

# Handbook for Alabama Probate Judges

Tenth Edition

Volume 2

*[Click here for Table of Contents](#)*

## FORMS



**Alabama Law Institute**  
The Law Revision Division of  
Legislative Services Agency  
[www.lsa.state.al.us](http://www.lsa.state.al.us)

Alabama State House  
Suite 207  
11 South Union Street  
Montgomery, AL 36130  
(334) 261-0680

Law Center  
Room 326  
P.O. Box 861425  
Tuscaloosa, AL 35486  
(205) 348-7411

## TYPES OF FORMS

### ADMINISTRATION OF ESTATE

Petition for Letters of Administration.....	1
Order Granting Letters .....	3
Waiver of Notice.....	7
Personal Representative .....	8
Waiver of Right to Serve as Administrator.....	9
Letters of Administration.....	10
Notice of Appointment to be Published by Personal Representative .....	13
Order to Set Day for Hearing.....	14
Personal Representative's Settlement Notice .....	15
Proceedings for Discharge of Personal Representative .....	16
Decree Discharging Personal Representative .....	18

### ADOPTION

#### General Adoption Forms

Attorneys' Checklist.....	20
Persons Whose Consents or Relinquishments are Required in Adoption Proceedings.....	22
Information on Notice Requirements Under the Alabama Adoption Code.....	23
Request for Pre-Placement Investigation.....	25
Order Directing Pre-Placement Investigation.....	26
Petition for Pre-Approval of Fees and Charges .....	27
Order on Pre-Approval of Fees and Charges .....	28
Fee Sheet.....	29
Confidential - Adoption Worksheet - Related .....	32
Confidential - Adoption Worksheet - NonRelated .....	33
Authorization for Release .....	34
Notice of Placement Prior to Pre-Placement Investigation.....	35
Child Custody Proceeding Affidavit.....	37
Interlocutory Decree .....	38
Order for Home Study .....	39
Petition to Withdraw Consent.....	40
Order Granting Withdrawal of Consent.....	41
Order Granting Withdrawal of Consent (Alternative).....	42
Petitioner's Notice of Hearing.....	43
Motion for Alternative Method of Perfecting Notice .....	45
Order to Provide Records for In Camera Inspection .....	46
Order .....	47
Notice of Adoption Hearing: General (Father) Notice .....	48
Notice of Adoption Hearing: General (Unknown Father) Notice .....	49
Notice of Adoption Hearing: General (Alleged Father) Notice.....	50

Final Decree on Adoption.....	51
Petition for Grandparent Visitation.....	52
Order Setting Hearing for Grandparent Visitation .....	53
Order on Grandparent Visitation .....	54
Petition for Disclosure of Adoption Information.....	55
Petition for Disclosure of Adoption Information (Alternative) .....	56
Order Setting Hearing for Disclosure of Adoption Information.....	58
Order on Petition to Disclose Adoption Information.....	59

Minor Adoption Forms

(Non-Related Adoptions)

Petition for Adoption .....	60
Affidavit of Petitioner(s).....	64
Consent or Relinquishment of Minor for Adoption.....	65
Affidavit of Natural Parent(s) .....	68
Affidavit Re: Birth Certificate .....	69
Consent of Minor .....	70
Waiver of Notice.....	72
Disclosure of Anticipated Disbursements.....	73
Disclosure and Accounting of Disbursements Paid in Adoption .....	75
Affidavit for Publication .....	76
Alabama Report of Adoption.....	77

(Related Adoption Forms)

Petition for Adoption (see above)	
Consent or Relinquishment of Minor for Adoption (see above)	
Consent of Minor (see above)	
Affidavit for Publication (see above)	
Alabama Report of Adoption (see above)	

(Foreign Adoption Forms)

Petition for Adoption (see above)	
Affidavit of Petitioner(s) (see above)	
Consent or Relinquishment of Minor for Adoption (see above)	
Affidavit of Natural Parent(s) (see above)	
Consent of Minor (see above)	
Waiver of Notice (see above)	
Disclosure of Anticipated Disbursements (see above)	
Disclosure and Accounting of Disbursements Paid in Adoption (see above)	
Alabama Report of Adoption (see above)	

Adult Adoption Forms

Petition for Adult Adoption .....	78
-----------------------------------	----

Consent for Adult to Be Adopted .....	82
Alabama Report of Adoption (see above)	

**APPEALS**

Notice of Appeal .....	86
Docketing Statement .....	88
Transcript Purchase Order of Appellant - Civil .....	90

**COMMITMENTS**

Emergency Orders

With Doctor Letter:

Doctor's letter (sample not included)	
Writ for Body - Interview .....	91
Emergency Order .....	92

Without Doctor Letter:

Order for Interview/Evaluation .....	94
Emergency Order see above	

Involuntary

Petition for Involuntary Commitment .....	95
Additional Information for Commitments .....	97
Order of Continuance .....	98
Order Setting Final Hearing on the Merits .....	99
Order for Evaluation of Respondent .....	100
Order to Transfer .....	101
Notice to Respondent .....	102
Writ for Body .....	103
GAL Appointments .....	104
Attorney Appointments .....	105
Petition to Waive Presence .....	106
Probable Cause Order .....	107
HIPAA Order .....	109
Joint Motion Order .....	110
Outpatient Commitment Orders .....	111
Inpatient Commitment Orders .....	113
Dismissal Order .....	115

Independent Mental Evaluations

Order Appointing IME .....	116
----------------------------	-----

HIPAA Order for IME .....	117
---------------------------	-----

Competency Hearing

Petition .....	119
Order .....	121
Notice of Appointment, Acceptance of Appointment .....	123
Order to Sheriff to Take Custody.....	124
Sheriff's Return .....	125
Order to Summons Jury .....	126
Sheriff's Return .....	127
Oath of Jury.....	128
Jury Verdict.....	129
Decree .....	130

Revocation of Outpatient Commitment

Motion to Revoke .....	131
Order Terminating Outpatient Commitment and Directing Inpatient Commitment .....	132
Order Terminating Outpatient Commitment and Directing Inpatient Commitment (Alternative).....	134

Recommitments

Order Setting Petition .....	136
GAL Order .....	137
Memo for Consumers Out of Other Counties.....	138
Order Appointing Special Judge.....	139
Dismissal of Recommitment.....	140
Order Renewing Inpatient Commitment.....	141

**CONDEMNATIONS**

Notice of Hearing.....	143
Condemnation Publication.....	144
Judgment and Order Granting Complaint.....	146
Order Appointing Commissioners .....	147
Notice to Commissioners.....	148
Certificate [Oath] of Commissioners .....	149
Order Revoking Appointment of Commissioner and Order Reappointing Commissioner .....	150
Order Revoking Appointment of Commissioners and Order Reappointing Commissioners.....	151
Judgement, Order Filing Report of Commissioners and Order of Condemnation .....	152
Order Awarding Commissioners' Fees .....	154
Payment of Award Into Court.....	155

Claim to Award Publication.....	156
Claim to Award Order .....	157
Procedures for Land Commissioners .....	158

**CONSERVATOR/GUARDIAN**

Temporary Guardian/Conservator - Adult

Order Appointing Temporary Guardian and Temporary Protective Order .....	166
Temporary Protective Order .....	167
Order Appointing Temporary Guardian .....	168
Temporary Letters of Guardianship.....	169
Order Filing Bond and Appointing Temporary Conservator.....	170

Guardian/Conservator - Adult

Petition for Letters of Conservatorship.....	171
Order Appointing Conservator Upon Filing Bond .....	173
Order Appointing Guardian and Conservator Upon Filing Bond.....	174
Expense Voucher for Court Representative.....	175
Expense Voucher for Guardian ad Litem, Administrator ad Litem or Special Attorney.....	176
Notice of Court Ruling.....	177
Letters of Conservatorship.....	178
Motion to Sell Personal Property .....	179
Order Filing Petition and Appointing Guardian ad Litem .....	181
Report of Guardian ad Litem .....	182

Guardian - Adult

Petition for Appointment of Guardian .....	183
Petitioner's Notice of Hearing.....	185
Order Appointing Guardian .....	187
Letters of Guardianship.....	188
Guardian Care Plan.....	189
Annual Status Report of Guardian .....	192
Court Ruling Final Guardian Care Plan and Annual Guardian Report and Setting Next Date Due.....	194

Temporary Guardian - Minor

Order Appointing Temporary Guardian .....	195
Temporary Letters of Guardianship.....	196
Order Appointing Guardian .....	197
Letters of Guardianship.....	198

Order on Guardianship of Minor Pursuant to Parental Appointment .....	199
Order Appointing Conservator of Minor Upon Filing Bond .....	200

Guardian - Minor

Petition for Letters of Guardianship .....	201
Petition for Letters of Guardianship (Alternative).....	202
Minor's Nomination for Guardianship .....	203
Acceptance of Appointment as Guardian .....	204
Petitioner's Notice of Hearing .....	205
Guardianship of a Minor - Order Filing Petition, Setting Date for Hearing & Appointing Guardian Ad Litem .....	207
Order Granting Petition for Guardianship .....	208
Order on Guardianship Over Minor Pursuant to Parental Appointment .....	210

**CONSERVATORSHIP**

General

Petition for Letters of Conservatorship .....	211
Conservator of an Incapacitated Person - Order Filing Petition, Setting Date for Hearing, Appointing Guardian Ad Litem, Doctor and Court Representative .....	213
Order Filing Bond, Issuing Letters of Conservatorship and Requiring Inventory to be Filed .....	214
Conservator's Bond .....	215
Order Issuing Letters of Conservatorship Requiring Inventory to be Filed, Directing Triennial Settlement.....	216
Letters of Conservatorship .....	217
Conservator's Settlement Notice .....	218
Petition for Letters of Guardianship and Conservatorship .....	219
Minor's Nomination for Guardianship and Conservatorship .....	221
Order Filing Petition, Setting Date for Hearing, Appointing Guardian Ad Litem .....	222
Order Granting Petition for Guardianship and Conservatorship and Conservatorship Upon Filing Bond .....	223

Blocked Account - Minor

Non-hearing Order Establishing Blocked Account (no petition - just money and letter or Circuit Court Order).....225  
Petition for a Single Transaction Protective Arrangement for the Establishment of a Blocked Account (§ 26-2A-137).....226  
Order Granting Petition for Single Transaction for Blocked Account (non-hearing).....228  
Affidavit to Terminate Blocked Account .....229  
Order Terminating Blocked Account and Releasing Funds .....231  
Order to Expend Funds from Blocked Account .....232

Partial Settlement

Petition for Partial Settlement - Conservator .....233  
Annual Accounting and Petition for Partial Settlement by Administrator - Deceased .....236

Restoring Competency - Adult

Motion to Restore Ward to Competency .....238  
Order Restoring Ward to Competency and Directing Final Settlement .....240

**LEGITIMATION AND CHANGE OF NAME**

Declaration of Legitimation .....241  
Declaration of Legitimation (Alternative) .....242  
Appointment of Guardian Ad Litem.....244  
Consent of Mother .....245  
Decree of Legitimation and Change of Name .....246

**NAME CHANGE**

Petition and Declaration for Adult Name Change .....247  
Order .....249  
Petition and Declaration for Minor Name Change .....250  
Affidavit of Unknown Father.....252  
Consent to Minor Name Change.....253  
Order .....254

**OATH OF OFFICE** .....255



**PROBATE OF WILL**

Petition for Probate of Will.....256

Order Fixing Day for Hearing on Probate of Will and Appointment  
of Guardian Ad Litem.....258

Notice to Witness to Probate Will .....259

Proof of Will .....260

Proof of Will for Self-Proving Will .....261

Decree Admitting Will to Probate and Granting Letters  
Testamentary.....262

Letters Testamentary.....266

Letters Testamentary (Alternative) .....269

Letters Testamentary With Additional Powers.....270

Affidavit of Legatees .....273

Notice of Appointment to be Published by Personal  
Representative.....274

Order Granting Letters Testamentary .....275

Order Setting Pre-Trial Conference .....276

Case Worksheet: Pre-Trial Conference .....277

Court Order For Discovery .....278

Petition for Consent Settlement and Discharge of Personal  
Representative.....280

Order of Discharge of Personal Representative.....282

Estate Claim .....283

**PETITION FOR LETTERS OF ADMINISTRATION**

**THE STATE OF ALABAMA      )**      **PROBATE COURT**  
\_\_\_\_\_ **COUNTY**            **)**

In the Matter of the Estate of \_\_\_\_\_, Deceased

To the Honorable \_\_\_\_\_  
Judge, Probate Court, \_\_\_\_\_ County:

The petition of the undersigned respectfully represents that \_\_\_\_\_ died in \_\_\_\_\_ County, on or about the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ leaving no will, so far as your petitioner knows or believes, and that decedent's death was more than five days before this day, and this petition further shows that the said decedent was, at the time of death domiciled in \_\_\_\_\_ County, Alabama and died owning real and personal property in this state consisting chiefly of \_\_\_\_\_ [all of said property being estimated to have a value of \_\_\_\_\_ Dollars, and probably not more] [all of said property being of a total value less than the homestead allowance, exempt property and the family allowance as provided by Alabama Code §§ 43-8-110 through 43-8-112 (1975, as amended in 1982)]; that the names, residence, ages and condition of the heirs of the estate of the said decedent so far as your petitioner knows are as follows, to-wit: (Here give name of surviving spouse, then list the names, addresses and ages of heirs and their relation to the deceased).

That the said \_\_\_\_\_ has declined to administer the said estate, as appears from \_\_\_\_\_ that your petitioner, being \_\_\_\_\_ of said deceased, an inhabitant of this State, nineteen or more years of age, and not disqualified under the law from serving as a personal representative, believing that said estate should be immediately administered, to the end that the said property may be collected and preserved for those who shall appear to have legal right or interest therein, does therefore, by virtue of his/her right under the statute, pray that your Honor will grant Letters of Administration \_\_\_\_\_ on the estate of \_\_\_\_\_ (upon him/her entering into bond in such sum as is required by the statute, and with such security or securities as shall be approved by your Honor) (and since the total value of the estate does not exceed the value of the homestead allowance, exempt property and family allowance as provided in Alabama Code §§ 43-8-110 through 43-8-112 (1975, as amended in 1982), the amount of the bond required by statute

shall be set at zero (0) dollars).

\_\_\_\_\_  
Petitioner

THE STATE OF ALABAMA, \_\_\_\_\_ COUNTY.

\_\_\_\_\_ being duly sworn, deposes and says that the facts averred in the above petition are true, according to the best of his/her knowledge, and belief.

\_\_\_\_\_  
Petitioner

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Ala. Code § 43-2-40 (1975)

\_\_\_\_\_  
**Judge of Probate**

**ORDER GRANTING LETTERS**

**STATE OF ALABAMA**

**PROBATE COURT**

**COUNTY OF \_\_\_\_\_**

**IN THE MATTER OF THE ESTATE OF  
\_\_\_\_\_, Deceased.**

TO THE HONORABLE \_\_\_\_\_,  
JUDGE OF PROBATE, \_\_\_\_\_ COUNTY.

Now, on this day comes \_\_\_\_\_ and presents to the Court a petition in writing, under oath, praying that LETTERS OF ADMINISTRATION for the Estate of \_\_\_\_\_, deceased, issue to \_\_\_\_\_, which petition is examined by this Court and ordered to be Filed and Recorded; and it appearing to the Court from the allegations contained in said petition, and from other good and sufficient evidence, that the said \_\_\_\_\_ departed this life at \_\_\_\_\_ on or about the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, being at the time of death an inhabitant of said County and State; that \_\_\_\_\_ died leaving assets in said County and State, which assets, including both real and personal property, are estimated to have a value of approximately \_\_\_\_\_ dollars, consisting of

*[Here give a general description and value of deceased's real property and general description and value of deceased's personal property.]*

and leaving NO WILL, testament or other writing, relating to the disposal or distribution of (her)(his) estate, and that the death of the said Decedent was more than five (5) days before this day, *[and now also (here name person(s) waiving administration and the relationship(s) to the deceased) of the said intestate, having previously (use "previously" only if waiver was filed) relinquished (his)(her) priority under the statute to administer said estate]*; and it further appearing to the satisfaction of the Court that \_\_\_\_\_, the said Petitioner, is \_\_\_\_\_ *(here give relationship to the Deceased)* of said Deceased, is over nineteen (19) years of age, an inhabitant of this State, and a suitable person, under the law and in the estimation of this Court, to serve as Personal Representative and no person having appeared to oppose the granting of LETTERS OF ADMINISTRATION to the said \_\_\_\_\_, (Petitioner) or show cause why the prayer of said Petitioner should not be granted, it is ORDERED that the same be granted, *provided* that the said \_\_\_\_\_ *(Petitioner)* first file in this Court a bond in the sum of \_\_\_\_\_ dollars, meeting the terms and requirements of bonds prescribed in Code of Alabama § 43-2-852 (1975, as amended). It is FURTHER ORDERED that the said petition be Recorded.

Further, Petitioner presents to this Court for approval a bond complying with the terms and requirements required by Code of Alabama § 43-2-852; with \_\_\_\_\_ as securities thereon; and this Court being now sufficiently advised

concerning said bond and said security, it is ORDERED and adjudged by this Court that the said bond be Accepted, Approved, and Recorded.

It is therefore further ORDERED, ADJUDGED AND DECREED by this Court, that the petition for the Appointment of \_\_\_\_\_ as Personal Representative is hereby granted, that LETTERS OF ADMINISTRATION on the estate of said deceased be granted to \_\_\_\_\_, as Personal Representative, and that [he][she] be and hereby is authorized to administer said estate.

It is further ORDERED by this Court that said Personal Representative shall have all the powers, without limitation, [**EXCEPT** for the powers in numbers \_\_\_\_] and duties to act in transactions as enumerated in Code of Alabama § 43-2-843 (1975, as amended) as follows:

1. Retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment.
2. Receive assets from fiduciaries, or other sources.
3. Perform, compromise, or refuse performance of the decedent's contracts that continue as obligations of the estate, as the personal representative may determine under the circumstances. In performing enforceable contracts by the decedent to convey or lease land, the personal representative, among other possible courses of action, may do either of the following:
  - a. Execute and deliver a deed of conveyance for cash payment of all sums remaining due or the purchaser's note for the sum remaining due secured by a mortgage or deed of trust on the land.
  - b. Deliver a deed in escrow with directions that the proceeds when paid in accordance with the escrow agreement, be paid to the successors of the decedent, as designated in the escrow agreement.
4. Satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances.
5. If funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements, or other prudent investments which would be reasonable for use by trustees generally.
6. Abandon personal property when, in the opinion of the personal representative, it is valueless, or is so encumbered, or is in condition that it is of no benefit to the estate.
7. Vote stocks or other securities in person or by general or limited proxy.
8. Pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims.
9. Hold a security in the name of a nominee or in other form without disclosure of the interest of the estate but the personal representative is liable for any act of the

- nominee in connection with the security so held.
10. Insure the assets of the estate against damage, loss, and liability and the personal representative against liability as to third persons.
  11. Borrow money without security or with security of personal property to be repaid from the estate assets or otherwise; and advance money for the protection of the estate.
  12. Effect a fair and reasonable compromise with any debtor or obligor, or extend, renew, or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge, or other lien upon property of another person, the personal representative may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by the lien.
  13. Pay taxes, assessments, and other expenses incident to the administration of the estate.
  14. Sell or exercise stock subscription or conversion rights; consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise.
  15. Enter for any purpose into a lease as lessor or lessee, with or without option to purchase or renew, for a term not to exceed one year.
  16. Allocate items of income or expense to either estate income or principal, as permitted or provided by law.
  17. Employ necessary persons, including appraisers, attorneys, auditors (who may include certified public accountants, public accountants, or internal auditors), investment advisors, or agents, even if they are associated with the personal representative, to advise or assist the personal representative in the performance of administrative duties; act without independent investigation upon recommendations of agents or advisors; and instead of acting personally, employ one or more agents to perform any act of administration, whether or not discretionary.
  18. Prosecute or defend claims or proceedings in any jurisdiction for the protection or benefit of the estate and of the personal representative in the performance of duties of the personal representative.
  19. Continue any unincorporated business or venture in which the decedent was engaged at the time of death as provided in any of the following:
    - a. In the same business form for a period of not more than one year from the date of appointment of a general personal representative if continuation is a reasonable means of preserving the value of the business including good will.
    - b. In the same business form for any additional period of time that may be approved by order of the court in a proceeding to which the persons interested in the estate are parties.
    - c. Throughout the period of administration if the business is incorporated by the personal representative and if none of the probable distributees of the business who are competent adults object to its incorporation and retention in the estate.

20. Incorporate any business or venture in which the decedent was engaged at the time of death.
21. Provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate.
22. Satisfy and settle claims and distribute the estate as provided in Title 43 of the Code of Alabama 1975.

[It is further ORDERED that the said Personal Representative, in addition to the general powers and duties granted herein, specifically is authorized to act in transactions as follows:

*[copy all transactions enumerated in Code of Alabama (1975, as amended) §43-2-844, or those transactions for which the Probate Judge is willing to grant prior court approval by category]]*  
*(Use this paragraph only if the Court wishes to grant prior court approval for certain types of additional transactions by category.)]*

It is further ORDERED by this Court that the aforesaid limitations or additional powers be prominently endorsed upon the face of the LETTERS OF ADMINISTRATION when issued. It is further ORDERED that the said Personal Representative proceed without delay to collect and take into possession or control the goods and chattels, money, books, papers and evidences of the said Deceased's property interests, except the personal property exempted from administration under Code of Alabama § 43-8-111 (1975, as amended) and make due return, under oath, to this Court, a full and complete Inventory thereof within two (2) months.

---

**Judge of Probate**

**WAIVER OF NOTICE**

**IN THE MATTER OF  
THE ESTATE OF**

**IN THE PROBATE COURT OF  
\_\_\_\_\_ COUNTY, ALABAMA**

\_\_\_\_\_  
**Deceased**

The undersigned, over the age of majority, as heir \_\_\_\_\_ at law and next of kin of \_\_\_\_\_, deceased, hereby accept \_\_\_\_\_ notice of the filing in the Probate Court of \_\_\_\_\_ County, Alabama, of an application, in writing by \_\_\_\_\_ to probate an instrument purporting to be the Last Will and Testament of \_\_\_\_\_, deceased, and of the time appointed by said Court for the hearing on the matter of the probate thereof and waive further notice thereof, either by publication or by personal citation, and the undersigned hereby consent \_\_\_\_\_ that said instrument may be immediately admitted to probate and record as the Last Will and Testament of \_\_\_\_\_, deceased.

This the \_\_\_ day of \_\_\_\_\_, 20\_\_.

Executed in the presence of:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**PERSONAL REPRESENTATIVE**

**THE STATE OF ALABAMA )**  
\_\_\_\_\_ **COUNTY )**

**PROBATE COURT**

\_\_\_\_\_, 20\_\_

In the matter of the Estate of \_\_\_\_\_, Deceased.

Know all by these Presents, That \_\_\_\_\_, as principal(s) and \_\_\_\_\_ as surety (sureties) are held and firmly bound unto the Probate Judge of said County in the penal sum of \_\_\_\_\_ Dollars, for the payment of which, we do bind ourselves, our heirs and our personal representatives, jointly and severally, firmly by these presents.

Sealed with our seals and dated, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

The Condition of this Obligation is such, That if \_\_\_\_\_ as personal representative of the estate of \_\_\_\_\_, deceased, or any of them, shall well and truly administer the estate according to law, then this obligation will be null and void, but otherwise it will remain in full force and effect.

And we, and each of us hereby waive all rights of claim of exemption as to personal property we or either of us have now or may hereafter have, under the Constitution and Laws of Alabama, and we hereby severally certify that we have property free from all encumbrance, to the full amount of the above bond.

Witness our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_(L.S.)

Petitioner

\_\_\_\_\_(L.S.)

Surety

\_\_\_\_\_(L.S.)

Surety

Taken and approved, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Ala. Code § 43-2-80 (1975)

\_\_\_\_\_  
**Judge of Probate**

**WAIVER OF RIGHT, TO SERVE AS ADMINISTRATOR**

IN THE MATTER OF \_\_\_\_\_)

IN THE PROBATE COURT OF

THE ESTATE OF \_\_\_\_\_ )

\_\_\_\_\_ COUNTY, ALABAMA

\_\_\_\_\_, DECEASED)

TO THE HONORABLE \_\_\_\_\_, JUDGE OF PROBATE COURT OF  
\_\_\_\_\_ COUNTY, ALABAMA:

I, \_\_\_\_\_, widow of \_\_\_\_\_, deceased, who departed this life in testate in \_\_\_\_\_ County, Alabama do hereby renounce and waiver my right to serve as administratrix of the estate of \_\_\_\_\_, deceased.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

STATE OF ALABAMA )

\_\_\_\_\_ COUNTY )

\_\_\_\_\_, being duly sworn, deposes and says that the facts averred in the above petition are true.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Judge of Probate**

LETTERS OF ADMINISTRATION

Letters of Administration on the \_\_\_\_\_ of \_\_\_\_\_, Deceased, are hereby granted to \_\_\_\_\_ who has duly qualified and given bond as such Personal Representative, and is authorized to administer such estate. Subject to the priorities stated in Code of Alabama (1975, as amended) § 43-8-76, the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers, without limitation, [EXCEPT for the powers in numbers\_\_\_\_\_] authorized in transactions under Code of Alabama (1975, as amended) § 43-2-843, as follows:

1. Retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment.
2. Receive assets from fiduciaries, or other sources.
3. Perform, compromise, or refuse performance of the decedent's contracts that continue as obligations of the estate, as the personal representative may determine under the circumstances. In performing enforceable contracts by the decedent to convey or lease land, the personal representative, among other possible courses of action, may do either of the following:
  - a. Execute and deliver a deed of conveyance for cash payment of all sums remaining due or the purchaser's note for the sum remaining due secured by a mortgage or deed of trust on the land.
  - b. Deliver a deed in escrow with directions that the proceeds when paid in accordance with the escrow agreement, be paid to the successors of the decedent, as designated in the escrow agreement.
4. Satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances.
5. If funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements, or other prudent investments which would be reasonable for use by trustees generally.
6. Abandon personal property when, in the opinion of the personal representative, it is valueless, or is so encumbered, or is in condition that it is of no benefit to the estate.
7. Vote stocks or other securities in person or by general or limited proxy.
8. Pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims.
9. Hold a security in the name of a nominee or in other form without disclosure of the

- interest of the estate but the personal representative is liable for any act of the nominee in connection with the security so held.
10. Insure the assets of the estate against damage, loss, and liability and the personal representative against liability as to third persons.
  11. Borrow money without security or with security of personal property to be repaid from the estate assets or otherwise; and advance money for the protection of the estate.
  12. Effect a fair and reasonable compromise with any debtor or obligor, or extend, renew, or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge, or other lien upon property of another person, the personal representative may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by the lien.
  13. Pay taxes, assessments, and other expenses incident to the administration of the estate.
  14. Sell or exercise stock subscription or conversion rights; consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise.
  15. Enter for any purpose into a lease as lessor or lessee, with or without option to purchase or renew, for a term not to exceed one year.
  16. Allocate items of income or expense to either estate income or principal, as permitted or provided by law.
  17. Employ necessary persons, including appraisers, attorneys, auditors (who may include certified public accountants, public accountants, or internal auditors), investment advisors, or agents, even if they are associated with the personal representative, to advise or assist the personal representative in the performance of administrative duties; act without independent investigation upon recommendations of agents or advisors; and instead of acting personally, employ one or more agents to perform any act of administration, whether or not discretionary.
  18. Prosecute or defend claims or proceedings in any jurisdiction for the protection or benefit of the estate and of the personal representative in the performance of duties of the personal representative.
  19. Continue any unincorporated business or venture in which the decedent was engaged at the time of death as provided in any of the following:
    - a. In the same business form for a period of not more than one year from the date of appointment of a general personal representative if continuation is a reasonable means of preserving the value of the business including good will.
    - b. In the same business form for any additional period of time that may be approved by order of the court in a proceeding to which the persons interested in the estate are parties.
    - c. Throughout the period of administration if the business is incorporated by the personal representative and if none of the probable distributees of the business who are competent adults object to its incorporation and retention

- in the estate.
20. Incorporate any business or venture in which the decedent was engaged at the time of death.
  21. Provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate.
  22. Satisfy and settle claims and distribute the estate as provided in Title 43 of the Code of Alabama 1975.

**WITNESS** my hand, and dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Judge of Probate**

THE STATE OF ALABAMA  
\_\_\_\_\_ COUNTY

I, the undersigned, Judge of Probate of \_\_\_\_\_ County, Alabama, hereby certify that the foregoing is a true and correct copy of the Letters of Administration issued in the above-styled cause as appears of record in said Court. I further certify that said Letters are in full force and effect.

Given under my hand and seal of said Court, this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Judge of Probate**  
\_\_\_\_\_ County, Alabama

**NOTICE OF APPOINTMENT TO BE PUBLISHED  
BY PERSONAL REPRESENTATIVE**

ESTATE OF \_\_\_\_\_ )      **PROBATE COURT**  
\_\_\_\_\_ )      **OF \_\_\_\_\_ COUNTY**  
      **Deceased** )

Letters \_\_\_\_\_ of said deceased having been granted to \_\_\_\_\_, Personal Representative on the \_\_ day of \_\_\_\_\_, 20\_\_, by the Honorable \_\_\_\_\_, Judge of Probate Court of \_\_\_\_\_ County, notice is hereby given that all persons having claims against said estate are hereby required to present the same within time allowed by law or the same will be barred.

\_\_\_\_\_

TO \_\_\_\_\_

Publisher of \_\_\_\_\_

Please publish the above notice three successive weeks in said newspaper.

\_\_\_\_\_

**ORDER TO SET DAY FOR HEARING**

**STATE OF ALABAMA     )     IN THE PROBATE COURT OF**  
**\_\_\_\_\_ COUNTY     )     \_\_\_\_\_ COUNTY, ALABAMA**  
**IN THE MATTER OF THE ESTATE OF \_\_\_\_\_, DECEASED.**

This day came \_\_\_\_\_, the Administratrix of the Estate of said decedent, and filed her account, verified by her affidavit, vouchers and evidence, and statement upon oath, for a final settlement of her administration.

It is therefore, ordered that the \_\_ day of \_\_\_\_\_, 20\_\_, be appointed a day for said settlement, and that notice of the same, stating the name of the Administratrix, the name of the deceased, and the time and nature of the settlement be given by publication for three consecutive weeks in the \_\_\_\_\_, a Newspaper published in said County.

It is further ordered that \_\_\_\_\_, who is a competent person, be and he is hereby appointed guardian ad litem to represent the interest of \_\_\_\_\_ in said settlement, she being the only minor interested.

It is further ordered that the \_\_\_\_\_ have notice of said appointment.

\_\_\_\_\_  
**Judge of the Circuit Court**  
\_\_\_\_\_ County, Alabama

**PERSONAL REPRESENTATIVE'S SETTLEMENT NOTICE**

**THE STATE OF ALABAMA     )**

**PROBATE COURT**

\_\_\_\_\_ **COUNTY            )**

\_\_\_\_\_ **20**\_\_

To: \_\_\_\_\_

Notice is hereby given that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, \_\_\_\_\_, Personal Representative of the Estate of \_\_\_\_\_, deceased, has filed petition, account, and vouchers, for \_\_\_\_\_ (partial or final) settlement of said Estate.

It is ordered that the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, be, and the same hereby is, appointed as the day for the hearing of the said petition and for the auditing and stating of said account, at which time all persons interested may appear and contest the same, if they desire to do so.

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Judge of Probate**

-----  
THE STATE OF ALABAMA    )

COUNTY OF \_\_\_\_\_    )

Service of the above notice is hereby accepted and service of the same by the sheriff, publication or otherwise is hereby waived.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_



**PROCEEDINGS FOR DISCHARGE OF PERSONAL REPRESENTATIVE  
PETITION**

**IN THE MATTER OF THE ESTATE            )            IN THE PROBATE COURT OF**  
**OF \_\_\_\_\_, DECEASED.            )            \_\_\_\_\_ COUNTY, ALABAMA**

TO THE HONORABLE \_\_\_\_\_, JUDGE OF THE PROBATE COURT OF  
\_\_\_\_\_ COUNTY, ALABAMA:

1. Comes your Petitioner, the undersigned \_\_\_\_\_, and respectfully shows unto this Honorable Court that \_\_\_\_\_ was on, to-wit: the \_\_\_ day of \_\_\_\_\_, 20\_\_, appointed as Personal Representative of the Estate of \_\_\_\_\_, deceased, in the Probate Court of \_\_\_\_\_ County, Alabama, and qualified as such Personal Representative as provided by Law.

2. The Personal Representative of said Estate submits to the Court the following report of her acts and doings as such Personal Representative from the \_\_\_ day of \_\_\_\_\_, 20\_\_, until the \_\_\_ day of \_\_\_\_\_, 20\_\_.

3. Your Petitioner avers that the following are all the heirs and distributees of the Estate of \_\_\_\_\_, deceased, so far as your Petitioner knows and believes, to-wit: Your Petitioner, \_\_\_\_\_, the widow of \_\_\_\_\_, deceased, and \_\_\_\_\_.

4. Your Petitioner avers that notice has been given as required by Section 43-2-505 Alabama Code, and that all debts and claims filed against said Estate, due and payable by said estate, have been paid in full as hereinafter set forth, and that more than six months has elapsed since the date of the administration of the Estate, it has been more than five months from the date of the first publication of notice, and more than 30 days have elapsed since actual notice was given to all known creditors, and, therefore, the time for filing other claims has expired and that there only remains to be paid out of the funds belonging to said Estate, the Court Costs, including a reasonable fee to be paid to the guardian ad litem.

5. Your Petitioner avers that all of the claims filed against the Estate were paid by the Personal Representative of this Estate out of the funds on deposit with her belonging to said estate.

6. Your Petitioner avers that she has funds with which to pay the balance of the Court Costs and the guardian ad litem fees in connection with this Estate.

THE PREMISES CONSIDERED, YOUR PETITIONER PRAYS THAT YOUR Honor will set a date to hear this petition and that proper notice will issue as provided in Section 43-2-505, Code of Alabama, to \_\_\_\_\_, and to \_\_\_\_\_, as Attorney-

in-fact for the \_\_\_\_\_, surety on the Personal Representative's bond; that a guardian ad litem be appointed by the Court to represent the interest of said minor on the hearing of this petition, and that upon the hearing thereof, the Court will determine the balance due for Court Cost, including guardian ad litem's fee and will approve the accounting filed herewith in connection with the administration of said estate and determine how the assets of this Estate should be distributed and that the Court make and enter an order or decree directing the Personal Representative to pay out of the funds in her hands, belonging to said Estate, the balance of the Court Cost, including guardian ad litem's fee and will approve the accounting filed herewith in connection with the administration of said estate and determine how the assets of this Estate should be distributed and that the Court make and enter an order or decree directing the Personal Representative to pay out of the funds in her hands, belonging to said estate, the balance of the Court Cost, including guardian ad litem's fee determined to be due and unpaid, and to deliver and pay over the balance of such funds to \_\_\_\_\_, as the guardian of \_\_\_\_\_, a minor, and that upon full compliance by the \_\_\_\_\_ and the Personal Representative, of said order or decree that \_\_\_\_\_ be fully and completely discharged as such Administratrix and her bondsmen relieved from further liability under said Administratrix's bond, and your Petitioner prays for any and all other orders and decrees as may be necessary and appropriate in the premises.

\_\_\_\_\_  
Personal Representative of the Estate of  
\_\_\_\_\_, deceased

-----  
STATE OF ALABAMA     )  
\_\_\_\_\_ COUNTY    )

Before me, a Notary Public, in and for said County in said State, personally appeared \_\_\_\_\_, who being duly sworn, deposes and says that she has read the foregoing petition and that the averments contained therein are true and correct to her best knowledge, information and belief.

\_\_\_\_\_  
AFFIANT

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires \_\_\_\_\_

**DECREE DISCHARGING PERSONAL REPRESENTATIVE**

**STATE OF ALABAMA ) IN THE PROBATE COURT OF**  
**\_\_\_\_\_ COUNTY ) \_\_\_\_\_ COUNTY OF ALABAMA**

This cause coming on to be heard and being submitted for Decree on the sworn petition of \_\_\_\_\_, Personal Representative of the Estate of \_\_\_\_\_, deceased, for final settlement of said Estate, the answer of the Guardian ad Litem, \_\_\_\_\_, for \_\_\_\_\_, Minor, and testimony taken in open court, and upon consideration thereof, the Court finds that:

(1) More than six months have expired from the date that the first notice was given of the appointment of an Personal Representative of said Estate until the date of the filing of this petition for final settlement; it has been more than five months from the date of the first publication of notice; and more than 30 days have elapsed since actual notice was given to all known creditors.

(2) Notice of the filing of the petition for final settlement of said Estate was given by publication for three consecutive weeks in the \_\_\_\_\_, a newspaper published in this County.

(3) Notice was given to all parties having an interest in said Estate, including all of the distributees and heirs-at-law of \_\_\_\_\_, deceased, the widow of \_\_\_\_\_, and the Sureties on the Personal Representative's Bond, as required and provided by law.

(4) \_\_\_\_\_, an Attorney at Law of this County, was appointed to act as guardian ad litem and accepted such appointment to represent and protect the interest of a Minor having an interest in said Estate.

(5) \_\_\_\_\_, a widow of \_\_\_\_\_, deceased, and \_\_\_\_\_, deceased, are all of the parties having an interest in the assets of said Estate and being entitled thereto, after the payment of all debts due from said Estate and payment of the cost of this proceedings.

(6) That the Personal Representative, as set forth in her petition for discharge, has distributed no funds of said Estate, all of said funds being held by the Personal Representative for proper court of this Honorable Court for a distribution thereof. That all of the debts filed against said Estate, amounting to \$\_\_\_\_\_, and Attorney's fees, was ordered by this Honorable Court, under Decree dated the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, to be paid by the Personal Representative out of the funds in her hands belonging to said Estate, and that the balance of said funds belonging to said Estate remain in her hands, subject to further orders of this Court, there now being in the hands of the Personal Representative the sum of \$\_\_\_\_\_.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that:

The fee to be paid \_\_\_\_\_, Guardian ad Litem for the above named Minor, be and it is hereby fixed at \_\_\_\_\_ Dollars, the same be taxed as part of the cost in this case.

The Petitioner, \_\_\_\_\_, be, and she is hereby taxed with the cost of this proceedings, and which are to be paid out of the funds now in the hands of the Personal

Representative.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Personal Representative of this Court pay out of the funds now in his hands, belonging to the Estate, the sum of \$\_\_\_\_\_, being the Court Costs, including guardian ad litem fees, and the balance remaining in his hands, amounting to \$\_\_\_\_\_, be delivered and paid over to \_\_\_\_\_ entering into a good and sufficient bond, in double the amount of the funds coming into their hands.

\_\_\_\_\_, as Personal Representative of said Estate, upon complying with the above Order and Decree, shall be discharged as Personal Representative of said Estate and relieved from all and further liability as such Personal Representative and the Surety on the Personal Representative's Bond, \_\_\_\_\_, discharged from said bond and relieved from all and any further liability on its bond.

Done and ordered this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Probate Judge from the  
\_\_\_\_\_ County, Alabama

\_\_\_\_\_, having fully complied with the above order and decree, it is further Ordered, Adjudged and Decreed that she be and is hereby discharged as Personal Representative of the Estate of \_\_\_\_\_, deceased, and is relieved from all further liability as such Personal Representative, and it is further Ordered, Adjudged and Decreed that the \_\_\_\_\_ be and is hereby discharged as Surety on the Personal Representative's Bond of \_\_\_\_\_, as Personal Representative of the Estate of \_\_\_\_\_, deceased, and is relieved from all further liability thereunder.

Done and ordered this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Probate Judge from the  
\_\_\_\_\_ County, Alabama

**ATTORNEY'S CHECKLIST - ALABAMA ADOPTION CODE**  
**PROBATE COURT OF \_\_\_\_\_ COUNTY**

- I. Related Adoption Checklist.
- II. Non-related Adoption Checklist.

Note: a. Please note that each of the items listed in the checklist must be addressed.

b. **(FORM)** appearing at the end of an item indicates that the Court has available a form which the attorney may review.

I. RELATED ADOPTIONS (§ 26-10A-27 thru -28)

- 1. Petition for Adoption on form prescribed by § 26-10A-16. **(FORM)**
- 2. Birth Certificate of child, or affidavit as required by § 26-10A-16(c), to be filed with petition.
- 3. Consents of those required by § 26-10A-7 on form prescribed by § 26-10A-11, to be filed on or before the date of the final hearing. **(FORM)**.
- 4. Proof of Notice/Waivers as required by § 26A-10A-17, to be filed on or before the date of the final hearing. **(FORM)**.
- 5. Report of Adoption (VS-17) for State Registrar of Vital Statistics, to be filed with the Court on or before the date of the final hearing. **(FORM)**.
- 6. Marriage License and Divorce Decrees, if applicable, for the petitioners, to be filed on or before the date of the final hearing.
- 7. One character witness for final hearing to appear with petitioner(s) and attorney.

**II. NON-RELATED ADOPTIONS**

- [ ] 1. Pre-placement Investigation Report, pursuant to § 26-10A-19, **to be filed with the petition for adoption.** Request for investigation may be filed with Court, DHR or LCPA. **(FORM).**
- [ ] 2. Petition for Adoption on form prescribed by § 26-10A-16. **(FORM).**
- [ ] 3. Birth Certificate of child, or affidavit as required by § 26-10A-16(c), to be filed with petition.
- [ ] 4. Consents from those required by § 26-10A-7 on form prescribed by § 26-10A-11, to be filed on or before the date of the final hearing. **(FORM).**
- [ ] 5. Proof of Notice/Waivers as required by § 26-10A-17, to be filed on or before the date of the final hearing. **(FORM).**
- [ ] 6. Disclosure of Anticipated Costs & Fees pursuant to § 26-10A-23(b), to be filed as soon as possible but no later than the date of the final hearing. **(FORM).**
- [ ] 7. Disclosure of Costs & Fees Paid pursuant to § 26-10A-23(c), to be filed on or before the date of the final hearing. **(FORM).**
- [ ] 8. Affidavit from each petitioner and each parent pursuant to § 26-10A-23(d), to be filed as soon as a possible, but no later than the date of the final hearing. **(FORM) Note: If child has been placed by the Department of Human Resources or a Licensed Child Placing Agency, the affidavits from the natural parents will not be required.**
- [ ] 9. Report of Adoption (VS-17) for State Registrar of Vital Statistics, to be filed with the Court on or before the date of the final hearing. **(FORM).**
- [ ] 10. Marriage License and Divorce Decrees, if applicable, for the petitioners, to be filed on or before the date of the final hearing.

**Please note that the foregoing information is provided for assistance only. Special circumstances may require additional pleadings, reports, information, etc.**

Probate Court of \_\_\_\_\_ County

\_\_\_\_\_  
**(Date)**

**PERSONS WHOSE CONSENTS OR RELINQUISHMENTS  
ARE REQUIRED IN ADOPTION PROCEEDINGS**

(§ 26-10A-7, Code of Alabama 1975, as amended)

- A. The adoptee, if fourteen (14) years of age or older.
- B. The adoptee's mother.
- C. The adoptee's presumed father, regardless of paternity (see Code for exceptions and requisites regarding presumed father).
- D. The agency to which the adoptee has been relinquished or which holds permanent custody and which has placed the adoptee for adoption, except the Court may grant the adoption without the consent of the agency if the adoption is in the best interest of the adoptee and there is a finding that the agency has unreasonably withheld its' consent.
- E. The putative father if made known by the mother or is otherwise made known to the Court provided he responds within thirty (30) days to the notice he receives under § 26-10A-17(a)(10).

**Other**

Prior to a minor parent giving consent, a Guardian ad Litem must be appointed to represent the interest of the minor parent whose consent is required.

***The consent or relinquishment of the following persons shall not be required for an adoption:***

- (A) A parent whose rights with reference to the adoptee have been terminated;
- (B) A parent who has been adjudged incompetent pursuant to law or parent whom the Court finds to be mentally incapable of consenting or relinquishing;
- (C) A parent who has relinquished his or her minor child to the Department of Human Resources or other licensed child placing agency;
- (D) A deceased parent or one who is presumed to be deceased under Alabama law;
- (E) An alleged father who has signed a written statement denying paternity;
- (F) The natural father where the natural mother indicates the natural father is unknown, unless the natural father is otherwise made known to the Court.

## **INFORMATION ON NOTICE REQUIREMENTS UNDER THE ALABAMA ADOPTION CODE**

TO: Attorneys -

Pursuant to the new Alabama Adoption Code, in non-contested adoptions the Petitioner(s) shall give notice of the pendency of an adoption proceeding and file proof of service of the notice with the Court before the final hearing. For your assistance the Court has available a notice form which may be used in this matter. Also, please refer to § 26-10A-17 of said code for the specific requirements regarding notice, the same being as follows:

"§ 26-10A-17. Notice of petition; form of service; waiver.

(a) Unless service has been previously waived, notice of pendency of the adoption proceeding shall be served by the petitioner on:

(1) Any person, agency, or institution whose consent or relinquishment is required by § 26-10A-7, unless service has been previously waived;

(2) The legally appointed custodian or guardian of the adoptee;

(3) The spouse of any petitioner who has not joined in the petition;

(4) The spouse of the adoptee;

(5) The surviving parent or parents of a deceased parent of the adoptee;

(6) Any person known to the petitioners as having physical custody, excluding licensed foster care or other private licensed agencies or having visitation rights with the adoptee under an existing court order;

(7) The agency or individual authorized to investigate the adoption under Section 19(c);

(8) Any other person designated by the court;

(9) DEPARTMENT OF HUMAN RESOURCES; and

(10) The father and putative father of the adoptee if made known by the mother or otherwise known by the court.

(b) The notice shall specifically state that the person served must respond to the petitioner within 30 days if he or she intends to contest the adoption. A copy of the petition for adoption shall be delivered to those individuals or agencies in subdivisions (a)(2) through (a)(10).



- (c) Service of the notice shall be made in the following manner:
  - (1) Service of process shall be made in accordance with the Alabama rules of civil procedure except as otherwise provided by the Alabama rules of juvenile procedure. If the identity or whereabouts of the parent is unknown, or if the one parent fails or refuses to disclose the identity or whereabouts of the other parent, the court shall then issue an order providing for service by publication, by posting, or by any other substituted service.
  - (2) AS TO THE AGENCY OR INDIVIDUAL REFERRED TO IN SUBDIVISIONS (A)(7) AND (A)(9) ABOVE, NOTICE SHALL BE BY **CERTIFIED MAIL**.
  - (3) As to any other person for whom notice as required under subsection (a) of this section, service by certified mail, return receipt requested, shall be sufficient. If such service cannot be completed after two attempts, the court shall issue an order providing for service by publication, by posting, or by any other substituted service.
- (d) The notice required by this section may be waived in writing by the person entitled to receive notice.
- (e) Proof of service of the notice on all persons for whom notice is required by this section must be filed with the court before the adjudicational hearing, provided in § 26-10A-24."

*(Some emphasis added)*

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
SAID COUNTY )

COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )

IN THE MATTER OF THE ADOPTION PETITION OF

\_\_\_\_\_

REQUEST FOR PRE-PLACEMENT INVESTIGATION

To \_\_\_\_\_, Judge of Probate:

Comes now \_\_\_\_\_, age \_\_\_\_\_, whose address is \_\_\_\_\_ and pursuant to § 26-10A-19(b) files this request for a pre-placement investigation in the above styled cause, and moves the Court to direct said investigation as may be proper. Your Petitioner(s) pray(s) for such other and different relief as may be appropriate, the premises considered.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

STATE OF ALABAMA

\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public in and for said County and State, hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing petition and who is/are known to me, who being first duly sworn on oath, acknowledged before me on this day, that being informed of the contents of said petition executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
SAID COUNTY  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_  
IN THE MATTER OF THE ADOPTION PETITION OF \_\_\_\_\_

**ORDER DIRECTING PREPLACEMENT INVESTIGATION**

This day came \_\_\_\_\_ and filed with this Court a request for a preplacement investigation pursuant to the Alabama Adoption Code; and upon due consideration thereof, it is

**ORDERED** that said request be granted and that \_\_\_\_\_ be and is hereby appointed to perform the preplacement investigation in accordance with the requirements of said Code and make written report thereof to the said petitioner(s).

It is further **ORDERED** by the Court that the costs of this proceeding, including a fee to the appointed investigator, shall be taxed to the petitioner(s), FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

\_\_\_\_\_  
**Judge of Probate**

STATE OF ALABAMA ) IN THE PROBATE COURT  
OF SAID COUNTY )

COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )

IN THE MATTER OF ADOPTIONS

PETITION FOR PRE-APPROVAL OF FEES AND CHARGES

To \_\_\_\_\_, Judge of Probate:

Comes now \_\_\_\_\_ and moves the Court to review, consider and pre-approve the fees and charges as hereinafter set forth which your petitioner will seek to charge in adoption proceedings filed in \_\_\_\_\_ County, viz:

Your petitioner prays for such other and different relief as may be appropriate, the premises considered.

\_\_\_\_\_  
Petitioner

STATE OF ALABAMA

\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public in and for said County and State, hereby certify that \_\_\_\_\_ whose name is signed to the foregoing petition and who is known to me, who being first duly sworn on oath, acknowledged before me on this day, that being informed of the contents of said petition executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
SAID COUNTY

COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

IN THE MATTER OF THE ADOPTION PETITION OF \_\_\_\_\_

**ORDER ON PRE-APPROVAL OF FEES AND CHARGES**

This cause is before the Court on the petition of \_\_\_\_\_ for pre-approval of fees and charges as set forth therein; and on consideration of the same and upon receiving testimony and evidence relative thereto, it is:

**ORDERED, ADJUDGED AND DECREED** by the Court that the proposed charges and fees be [approved as submitted.] [approved as follows and denied as to the remainder, viz:]

(List approved fees and charges, type, amount, etc.)

It is further **ORDERED** by the Court that the costs of this proceeding be taxed to the petitioner, FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

\_\_\_\_\_  
**Judge of Probate**

**STATE OF ALABAMA** : **PROBATE COURT OF SAID COUNTY**  
**COUNTY OF \_\_\_\_\_** : **CASE NO. \_\_\_\_\_**

- ATTACHMENT TO: ( ) PETITION FOR PRE-APPROVAL OF FEES AND CHARGES  
( ) DISCLOSURE OF ANTICIPATED DISBURSEMENTS  
( ) DISCLOSURE AND ACCOUNTING OF DISBURSEMENTS PAID

---

---

**INSTRUCTIONS: Enter information and amounts where appropriate. Items which DO NOT apply should be noted by N/A.**

---

---

- ( ) **Department of Human Resources or**  
( ) \_\_\_\_\_ **or**  
**(Name of Licensed Child Placing Agency)**  
( ) \_\_\_\_\_  
**(Other)**  
( ) DHR Investigation Fee \$300.00 (§ 26-10-4.1)  
( ) Professional Placement Fee \_\_\_\_ % of income; Minimum \$\_\_\_\_\_ and  
Maximum \$\_\_\_\_\_; Fee to be charged is \$\_\_\_\_\_  
( ) Professional Placement Fee; Flat Fee of \$\_\_\_\_\_  
( ) Professional Placement Fee (Special Needs Child) \_\_\_\_ % of income;  
Minimum \$\_\_\_\_\_ and Maximum \$\_\_\_\_\_; Fee to be charged is \$\_\_\_\_\_  
( ) Professional Placement Fee (Special Needs Child); Flat Fee of \$\_\_\_\_\_  
( ) Application Fee \$\_\_\_\_\_  
( ) Home Study Fee (Pre-Placement) \$\_\_\_\_\_  
( ) Home Study Update Fee (Pre-Placement) \$\_\_\_\_\_

- ( ) Home Study Post-Placement Fee \$\_\_\_\_\_
- ( ) Supervision (per hour rate)/Interviews/Consultations/Counseling \$\_\_\_\_\_
- ( ) Fingerprint Fee \$\_\_\_\_\_ x \_\_\_ persons; paid to\_\_\_\_\_
- ( ) Interview Fee \$\_\_\_\_\_
- ( ) Interstate Compact Fee \$\_\_\_\_\_
- ( ) Travel (Mileage for Social Worker or \_\_\_\_\_) \_\_\_ per mile \$\_\_\_\_\_
- ( ) Medical Tests (AIDS, Drug Screening, Other), per person \$\_\_\_\_\_ per test performed \_\_\_\_\_
- ( ) Review Fee \$\_\_\_\_\_
- ( ) Medical Examinations \$\_\_\_\_\_/hour; Range \$\_\_\_\_\_ to \$\_\_\_\_\_; \$\_\_\_\_\_ Flat
- ( ) Psychiatric Examinations \$\_\_\_\_\_/hour; Range \$\_\_\_\_\_ to \$\_\_\_\_\_; \$\_\_\_\_\_ Flat
- ( ) Medical Care of Mother (Be specific as to amount, reason and vendor)
  - \$\_\_\_\_\_
  - \$\_\_\_\_\_
- ( ) Medical Care of Child (Be specific as to amount, reason and vendor)
  - \$\_\_\_\_\_
  - \$\_\_\_\_\_
- ( ) Maternity Care (Be specific as to amount, reason and vendor)
  - \$\_\_\_\_\_
  - \$\_\_\_\_\_
- ( ) Living Expenses as may be permitted as an act of charity (Be specific as to amount, reason and vendor)
  - \$\_\_\_\_\_
  - \$\_\_\_\_\_
- ( ) Other Professional Service, Legal, etc., excluding Medical (List amount, service and name of vendor)
  - \$\_\_\_\_\_
  - \$\_\_\_\_\_

( ) Other Medical (as required, list amount, service and name of vendor)

\$ \_\_\_\_\_  
\$ \_\_\_\_\_

( ) Other (be specific, list item, vendor, and indicate flat rate, range or per hours charge, etc.)

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_



**CONFIDENTIAL - ADOPTION WORKSHEET - RELATED**

Name of Minor: \_\_\_\_\_

Case No.: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_

Petitioner(s): \_\_\_\_\_

Petition to Adopt Filed: \_\_\_\_\_

Minor child has resided in home of Petitioner(s) since: \_\_\_\_\_

Relationship: \_\_\_\_\_

- Consent by Mother
- Consent by Father (Legal)
- Consent of Father (Putative)
- Consent by Minor (14 yrs.+)
- Consent by Guardian
- Consent by DHR or Catholic Social Services
- Consent by \_\_\_\_\_
- Birth Certificate or  Affidavit re: same
- Report of Adoption (HS-17)
- Divorce Decree(s)
- Marriage License(s)

**PROOFS OF SERVICE OR WAIVER(S)**

**AS APPROPRIATE**

- DHR acknowledged
- Mother waived
- Father waived
- Spouse of Petitioner (if not joined) waived
- Grandparents (where parent is deceased) waived
- Minor (14 yrs. +)
- Spouse of adoptee waived
- Publication to \_\_\_\_\_
- Pub: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- Special Guardian ad Litem \_\_\_\_\_
- Report of Special Guardian ad Litem

**BENCH NOTES:**

(These notes for inter-office use only and are **not** a part of the official record in this case)

**CONFIDENTIAL - ADOPTION WORKSHEET -NON- RELATED**

Name of Minor: \_\_\_\_\_

Case No.: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_

Petitioner(s): \_\_\_\_\_

Petition to Adopt Filed: \_\_\_\_\_

Minor child has resided in home of Petitioner(s) since: \_\_\_\_\_

DHR \_\_\_\_\_ Catholic Social Services \_\_\_\_\_ P. Placement \_\_\_\_\_

- |   |  |                                       |
|---|--|---------------------------------------|
| <input type="checkbox"/> Pre-placement report                               | <b>PROOFS OF SERVICE OR WAIVER(S)</b>                            |                                       |
| <input type="checkbox"/> Post-placement report                              | <b>AS APPROPRIATE</b>  |                                       |
| <input type="checkbox"/> Birth Certificate, or                              | <input type="checkbox"/> DHR                                     | acknowledged <input type="checkbox"/> |
| <input type="checkbox"/> Affidavit re: same                                 | <input type="checkbox"/> Mother                                  | waived <input type="checkbox"/>       |
| <input type="checkbox"/> Disclosure of Anticipate Costs                     | <input type="checkbox"/> Father                                  | waived <input type="checkbox"/>       |
| <input type="checkbox"/> Disclosure of Costs and Fees Paid                  | <input type="checkbox"/> Spouse of Petitioner (if not joined)    | waived <input type="checkbox"/>       |
| <input type="checkbox"/> Affidavit from each Petitioner(s) (§ 26-10A-23(d)) | <input type="checkbox"/> Grandparents (where parent is deceased) | waived <input type="checkbox"/>       |
| <input type="checkbox"/> Affidavit from each Parent (§ 26-10A-23(d))        | <input type="checkbox"/> Minor (14 yrs. +)                       |                                       |
| <input type="checkbox"/> Report of Adoption (HS-17)                         | <input type="checkbox"/> Spouse of adoptee                       | waived <input type="checkbox"/>       |
| <input type="checkbox"/> Marriage License(s)                                | <input type="checkbox"/> Investigator                            |                                       |
| <input type="checkbox"/> Divorce Decree(s)                                  | <input type="checkbox"/> Publication to _____                    |                                       |
| <input type="checkbox"/> Consent of Mother                                  | <input type="checkbox"/> Pub: _____, _____, _____, _____         |                                       |
| <input type="checkbox"/> Consent of Father (Legal)                          | <input type="checkbox"/> Special Guardian ad Litem _____         |                                       |
| <input type="checkbox"/> Consent of Father (Putative)                       | <input type="checkbox"/> Report of Special Guardian ad Litem     |                                       |
| <input type="checkbox"/> Consent of Minor (14 yrs. +)                       |  |                                       |
| <input type="checkbox"/> Consent of _____                                   |  |                                       |

**BENCH NOTES:**

(These notes for inter-office use only and are **not** a part of the official record in this case)

STATE OF ALABAMA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN THE MATTER OF AN ADOPTION

AUTHORIZATION FOR RELEASE

(§ 26-10A-15(a))

I/We, the undersigned \_\_\_\_\_,  
[being the parent(s)] [having legal custody] of \_\_\_\_\_, a  
minor child, born on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_.m. and [who is]  
[who will be] the subject of an adoption proceeding before the Probate Court  
of \_\_\_\_\_ County, Alabama, do hereby, pursuant to *Alabama Code* §26-10A-15(a),  
authorize \_\_\_\_\_

(Name of Health Facility)

to surrender the physical custody of said minor child to \_\_\_\_\_, whose address  
is \_\_\_\_\_.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_  
(Signature of Affiant)

\_\_\_\_\_  
(Signature of Affiant)

STATE OF ALABAMA )

COUNTY OF \_\_\_\_\_ )

Subscribed, sworn to and acknowledged before me by  
\_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SEAL

\_\_\_\_\_  
Official Capacity of Officer:  
\_\_\_\_\_

**NOTICE:** The said health facility shall make a written report to the Department of Human Resources on forms supplied by the Department within forty-eight (48) hours from the surrendering of custody pursuant to *Alabama Code* § 26-10A-15(b).

STATE OF ALABAMA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN THE MATTER OF AN ADOPTION

**NOTICE OF PLACEMENT PRIOR TO  
PRE-PLACEMENT INVESTIGATION**

(§ 26-10A-15(c))

Comes now the undersigned and gives written notice that \_\_\_\_\_, a minor child, born on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_  
(Name of Health Facility)

County of \_\_\_\_\_, State of \_\_\_\_\_, has been placed with \_\_\_\_\_, petitioner(s), whose address is \_\_\_\_\_ prior to the completion of a pre-placement investigation due to the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

STATE OF ALABAMA )  
 )  
COUNTY OF \_\_\_\_\_ )

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**NOTICE:** Upon placement under the conditions set out herein, the party(ies) executing this document shall immediately forward a copy of same to the Probate Court where the petition for adoption will be filed and to the County Department of Human Resources, (§ 26-10A-15(c)).

State of Alabama Unified Judicial System Page 1 of 2 Sample Form 9/06	<b>CHILD CUSTODY PROCEEDING          AFFIDAVIT</b> (Section 30-3B-209, Ala. Code 1975)	Probate Court Case No:
--	---	---------------------------

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
 (Circuit or District) (Name of County)

[Check one of the following boxes]

In the matter of \_\_\_\_\_, a child

\_\_\_\_\_ v. \_\_\_\_\_  
 Plaintiff Defendant

-----  
 Child's present address or whereabouts: \_\_\_\_\_  
 \_\_\_\_\_

Place(s) where the child has lived in the past five years: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

***Name(s) and present address(es) of the person(s) with whom the child has lived in the past 5 years:***

Name: _____	Name: _____
Address: _____	Address: _____
_____	_____

Name: _____	Name: _____
Address: _____	Address: _____
_____	_____

***If any of the above persons have participated as a party or witness in any other custody or visitation proceeding, please give the name of the person, whether the person was a party or witness, the court in which the case was filed, the case number, and the date of the custody determination:***

Name: _____	Name: _____
<input type="checkbox"/> Party <input type="checkbox"/> Witness	<input type="checkbox"/> Party <input type="checkbox"/> Witness
Name of Court: _____	Name of Court: _____
Case Number: _____	Case Number: _____
Date of Custody Det.: _____	Date of Custody Det.: _____

State of Alabama Unified Judicial System Page 2 of 2 Sample Form 9/06	<b>CHILD CUSTODY PROCEEDING          AFFIDAVIT</b> (Section 30-3B-209, Ala. Code 1975)	Probate Court Case No:
--	---	---------------------------

Name: \_\_\_\_\_  
 Party             Witness  
 Name of Court: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Date of Custody Det.: \_\_\_\_\_

Name: \_\_\_\_\_  
 Party             Witness  
 Name of Court: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Date of Custody Det.: \_\_\_\_\_

***Are there any other proceedings (including proceedings relating to domestic violence, protection from abuse, termination of parental rights, and adoptions) that may affect the current case?***

Type of Case: \_\_\_\_\_  
 Court: \_\_\_\_\_  
 Case Number: \_\_\_\_\_

Type of Case: \_\_\_\_\_  
 Court: \_\_\_\_\_  
 Case Number: \_\_\_\_\_

Type of Case: \_\_\_\_\_  
 Court: \_\_\_\_\_  
 Case Number: \_\_\_\_\_

Type of Case: \_\_\_\_\_  
 Court: \_\_\_\_\_  
 Case Number: \_\_\_\_\_

***Name(s) and address(es) of person(s) who have physical custody of the child other than parties:***

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Affiant

Sworn to and subscribed before me on this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
 Judge/Clerk/Magistrate

STATE OF ALABAMA )  
COUNTY OF \_\_\_\_\_ )

IN THE PROBATE COURT  
OF SAID COUNTY  
CASE NO. \_\_\_\_\_

IN THE MATTER OF THE ADOPTION OF \_\_\_\_\_

**INTERLOCUTORY DECREE**

This day came \_\_\_\_\_ and filed in this Court a Petition for Leave to Adopt \_\_\_\_\_, a minor; and it appears to the Court that said minor \_\_\_\_\_ is the \_\_\_\_\_ of said Petitioner \_\_\_\_\_. \_\_\_\_\_ is not related to said Petitioner \_\_\_\_\_; and that a pre-placement investigation report concerning this proceeding \_\_\_\_\_ is not required pursuant to statute \_\_\_\_\_ is hereby dispensed with for cause now shown to the satisfaction of the Court \_\_\_\_\_ has been made by \_\_\_\_\_, which report has been filed, reviewed and is hereby approved by this Court; and upon due consideration of said petition \_\_\_\_\_ and said report and the laws in such matters it is:

**ORDERED** by the Court that an Interlocutory Decree be and the same is hereby entered \_\_\_\_\_ granting custody of said minor to \_\_\_\_\_ and that the Petitioner \_\_\_\_\_ hereby conferred the responsibility of the maintenance and support of the adoptee, which shall include the authority to obtain and consent to necessary medical or surgical treatment for said adoptee.

It is further **ORDERED** by the Court that a dispositional hearing be and the same is hereby set for \_\_\_\_\_ at \_\_\_\_\_.m.

It is further **ORDERED** by the Court that a \_\_\_\_\_ full post placement investigation be made in accordance with statute and that \_\_\_\_\_ is hereby appointed to make said investigation and report in writing to the Court and counsel for the petitioner \_\_\_\_\_.

It is further **ORDERED** by the Court that the Petitioner \_\_\_\_\_ shall serve notice of these proceedings as required by § 26-10A-17 in the manner prescribed by said Section on those entitled to the same \_\_\_\_\_ including notice to the natural \_\_\_\_\_ mother \_\_\_\_\_ father of said child by publication pursuant to ARCP 4; and submit written proof of service of said notice to this Court on or before the date of the said dispositional hearing.

It is further **ORDERED** by the Court that a copy of this Decree be forwarded to counsel of record and to the Department of Human Resources, Adoption Division, 50 Ripley Street, Montgomery, Alabama 36130 \_\_\_\_\_ and to the above named investigator.

**DONE AND ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Judge of Probate**

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA**

IN THE MATTER OF \_\_\_\_\_ : CASE NO. \_\_\_\_\_

Minor \_\_\_\_\_

In Re: Petition for adoption filed by \_\_\_\_\_

**ORDER FOR HOME STUDY**

On due consideration, and for due cause now shown, it is **ORDERED** by the Court that \_\_\_\_\_, a person having the credentials as required by law in such matters, be and is hereby appointed to conduct a full home study investigation in the matter and render a report and recommendations to this Court on or before the next date set as follows.

It is further **ORDERED** by the Court that a hearing to further consider this matter and to receive and review the said home study be and is hereby set for \_\_\_\_\_.

It is further **ORDERED** by the Court that \_\_\_\_\_, petitioners, deposit with the Clerk of the Court a check in the amount of \$\_\_\_\_\_ for the expenses of said home study, the same to be done forthwith.

Done this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, **Judge of Probate**



STATE OF ALABAMA     )     **IN THE PROBATE COURT OF**  
                                  )     **SAID COUNTY**                                     )  
COUNTY OF \_\_\_\_\_ )     **CASE NO.** \_\_\_\_\_ )

**IN THE MATTER OF AN ADOPTION**

**PETITION TO WITHDRAW CONSENT**

(§ 26-10A-14)

To \_\_\_\_\_, Judge of Probate:

Comes now, \_\_\_\_\_, being the \_\_\_\_\_ of \_\_\_\_\_, a minor child and the subject of the above styled adoption proceeding, and pursuant to the Alabama Adoption Code, § 26-10A-14 does hereby withdraw that certain consent heretofore executed by me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and as grounds therefor do hereby state as follows:

Petitioner(s) pray that the Court will accept this withdrawal of consent and enter such orders, after conducting a proper hearing with notice if appropriate, to grant the same and restore the custody of said child to said Petitioner(s), the Department of Human Resources, the designated licensed child placement agency, or as the Court may direct. Your Petitioner(s) further prays for any and all other appropriate relief as the Court may grant, the premises considered.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Address)

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
SAID COUNTY )

COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_)

IN THE MATTER OF THE ADOPTION PETITION OF

---

**ORDER GRANTING WITHDRAWAL OF CONSENT**

This cause is now before the Court on the withdrawal of consent in the above entitled adoption as filed by \_\_\_\_\_, the natural parent(s) of the subject minor; and

It now appears that said consent to adoption was executed on \_\_\_\_\_; [and that said minor child's date of birth is \_\_\_\_\_] and that the withdrawal of consent has been properly filed with the Court [on \_\_\_\_\_] [being received by mail and postmarked on \_\_\_\_\_]; and

On consideration thereof, it is **ORDERED** that said consent be withdrawn [and that custody of said minor be restored to (his/her) parent(s)) (the Department of Human Resources) (LCPA)].

It is further **ORDERED** by the Court that the costs of this proceedings be taxed to \_\_\_\_\_, FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

**Judge of Probate**

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
 ) SAID COUNTY )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )

IN THE MATTER OF THE ADOPTION PETITION OF

ORDER GRANTING WITHDRAWAL OF CONSENT

(Alternative)

This cause is now before the Court on the withdrawal of consent in the above entitled adoption as filed by \_\_\_\_\_, the natural parent(s) of the subject minor; and

It now appears that said natural parent is represented by \_\_\_\_\_, Esq., that the petitioner(s) is/are represented by \_\_\_\_\_, Esq.; that said matter is now properly before the Court and that the parties in interest have been given notice of these proceedings; and

It further appears to the Court that the said withdrawal of consent has been properly filed within [fourteen] (14) days after its execution] [fourteen (14) days after the birth of the subject minor]; and upon due and careful consideration of the evidence adduced, the Court does hereby:

**FIND, ORDER, ADJUDGE AND DECREE** that the withdrawal of consent is reasonable and is in the best interest of said child and accordingly, the same is hereby allowed.

It is further **ORDERED** by the Court that custody of said child be restored to [(his/her parent(s)) (the State Department of Human Resources) (LCPA)].

It is further **ORDERED** by the Court that the costs of this proceedings be taxed to \_\_\_\_\_ **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Judge of Probate**

**PETITIONER'S NOTICE OF HEARING**

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
ALABAMA ADOPTION CODE  
(§ 26-10A-17)**

**IN THE MATTER OF AN ADOPTION**

\_\_\_\_\_ **CASE NO.** \_\_\_\_\_

**TO:**

Please take **notice** that a petition for adoption in the above styled matter has been filed in said Court by the Petitioner named below and that the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ has been set for a hearing on the same in said Court in the City of \_\_\_\_\_, Alabama. Please be advised that if you intend to contest this adoption you must file a written response within thirty (30) days hereof with counsel for said Petitioner, whose name and address are as shown below and with the Clerk of the said Probate Court. A copy of the petition to adopt is attached to this notice as required by statute.

**DONE** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Attorney for Petitioner:** (Name and Address)

**Petitioner:** (Name and Address)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ATTORNEY'S CERTIFICATE OF SERVICE**

I, the undersigned as attorney of record for said petitioner, do certify that I have this date forwarded a copy of this notice to the party named herein by CERTIFIED MAIL properly addressed with the sufficient postage affixed. (*Proof of service on certified mail shall be attached when submitting form to Probate Court.*)

\_\_\_\_\_  
(Signature of Attorney)

Date: \_\_\_\_\_

**(OPTIONAL)**

**CERTIFICATE OF SERVICE - PERSONAL SERVICE (IN STATE)**

I, the undersigned do hereby certify that on the date noted below I served a copy of this notice on \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of duly appointed Process Server)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Address)

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
 ) SAID COUNTY )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )

IN THE MATTER OF THE ADOPTION  
PETITION OF \_\_\_\_\_

**MOTION FOR ALTERNATIVE METHOD OF  
PERFECTING NOTICE**  
(§ 26-10A-17)

Comes now \_\_\_\_\_ and respectfully represents unto the Court that [(the identity) and/or (whereabouts) of \_\_\_\_\_ the parent(s) of the adoptee is/are unknown] or that \_\_\_\_\_, the \_\_\_\_\_ of said adoptee (has failed) (refuses) to disclose the identity and/or whereabouts of \_\_\_\_\_, the (mother/father) of said adoptee, or that service by certified mail on \_\_\_\_\_ has failed after at least two attempts and pursuant to § 26-10A-17, it is prayed that the Court will direct the issuance of notice by suitable methods as found proper and permitted by statute.

\_\_\_\_\_  
Attorney for Petitioner(s)

**ORDER**

On due consideration of the foregoing motion and for cause now appearing, it is **ORDERED** that notice issue to \_\_\_\_\_, the (mother/father) of said child by [publication pursuant to ARCP 4] [posting notice at \_\_\_\_\_] [first class mail to the last known address of said party] \_\_\_\_\_ (other suitable means) \_\_\_\_\_; and that proof of said notice shall be filed with the Court prior to the final hearing in this cause.

Done this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Judge of Probate**

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ : CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Minor :

In Re: Department of Human Resources acknowledgment.

**ORDER TO PROVIDE RECORDS  
FOR IN CAMERA INSPECTION**

In the above styled adoption matter, and based on the comments provided by the State Department of Human Resources in its acknowledgment dated \_\_\_\_\_, a copy of which is attached hereto, it is hereby:

**ORDERED** that the \_\_\_\_\_ County Department of Human Resources, the State Department of Human Resources, its agents or employees, copy and deliver to the Judge or Clerk of this Court any and all information and documents (authenticated copies) pertaining to this adoption proceedings and the subject child as referenced in the said Department of Human Resources acknowledgment for inspection by the Court In Camera, the said information to be filed on or before the next date set.

It is further **ORDERED** that \_\_\_\_\_ at \_\_\_\_\_ be and is hereby set for the next hearing on this matter.

Done this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

STATE OF ALABAMA )  
 ) IN THE PROBATE COURT OF  
 ) SAID COUNTY  
 )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

IN THE MATTER OF THE ADOPTION PETITION OF \_\_\_\_\_

**ORDER**

This cause is before the Court this date on motion to approve payment of charges, fees, etc. which have been reported by the Petitioner(s) on the accounting heretofore filed; and it now appears that said matter is properly before the Court; that the Petitioner(s) is/are presented by \_\_\_\_\_, Esq.; that notice has been perfected and proof of same submitted; and

Upon due consideration of the evidence adduced, the Court **FINDS, ORDERS, ADJUDGES AND DECREES** that the said accounting [is approved as submitted] [is approved in part and denied in part as follows], viz:

[LIST - Approved and Denied fees, etc. should have specified reason (findings) set out]

It is further **ORDERED** by the Court that the Petitioner(s) pay the costs of this proceeding, FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate



**NOTICE OF ADOPTION HEARING**  
**PROBATE COURT OF \_\_\_\_\_ COUNTY**  
**CASE NO. \_\_\_\_\_ N.S.**

To: \_\_\_\_\_ father of \_\_\_\_\_, a minor.  
Please take note that a petition for the adoption of the above named minor child who was born to on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, has been filed in said Court. Please be advised that if you intend to contest this adoption you must file a written response with the attorney for the petitioner(s) named below and with the Clerk of the Probate Court, \_\_\_\_\_ as soon as possible but no later than thirty (30) days from the last day this notice is published.

Attorney for Petitioner(s): (Name and Address)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**TO NEWSPAPER - Instructions for publications:**

The above is a legal notice and should be placed in the appropriate section of the newspaper with other like notices. **Said notice shall run once a week for four (4) consecutive weeks** unless otherwise instructed. Upon completion of publication, Proof of Service must be furnished to the attorney of record.

**BILLING INFORMATION** - A Statement of the cost of this publication should be sent to the attorney of record named above and not to the Court.

**TO COUNSEL** - Please have the following publication notice run and file Proof of Publication with the Court at least 5 days prior to the hearing date.

**NOTICE OF ADOPTION HEARING**  
**PROBATE COURT OF \_\_\_\_\_ COUNTY**  
**CASE NO. \_\_\_\_\_**

To: \_\_\_\_\_, the unknown father of \_\_\_\_\_, a minor.

Please take notice that a petition for the adoption of the above named minor child who was born to \_\_\_\_\_ on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ has been filed in said Court. Please be advised that if you intend to contest this adoption you must file a written response with the attorney for the petitioner(s) named below and with the Clerk of the Probate Court, \_\_\_\_\_, \_\_\_\_\_, Alabama \_\_\_\_\_ as soon as possible but no later than thirty (30) days from the last day this notice is published.

Attorney for Petitioner(s): (name and address)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TO NEWSPAPER** - Instructions for Publications:

The above is a legal notice and should be placed in the appropriate section of the newspaper with other like notices. **Said notice shall run once a week for four (4) consecutive weeks** unless otherwise instructed. Upon completion of publication, Proof of Service must be furnished to the attorney of record.

**BILLING INFORMATION** - A statement for the cost of this publication should be sent to the attorney of record named above and not to the Court.

**TO COUNSEL** - Please have the following publication notice run and file Proof of Publication with the Court at least 5 days prior to the hearing date.

**NOTICE OF ADOPTION HEARING**  
**PROBATE COURT OF \_\_\_\_\_ COUNTY**  
**CASE NO. \_\_\_\_\_**

To: \_\_\_\_\_, the alleged father  
\_\_\_\_\_, the mother of \_\_\_\_\_, a minor,

Please take note that a petition for adoption has been filed and is pending in said Court by the Petitioner(s) named below. Please be advised that if you intend to contest this adoption you must file a written response with the attorney for the petitioner(s) named below and with the Clerk of the Probate Court, \_\_\_\_\_ as soon as possible, but no later than thirty (30) days from the last day this notice is published.

Attorney for Petitioner(s): (Name and Address)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner(s): (Name and Address)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**TO NEWSPAPER - Instructions for publications:**

The above is a legal notice and should be placed in the appropriate section of the newspaper with other like notices. **Said notice shall run once a week for four (4) consecutive weeks** unless otherwise instructed. Upon completion of publication, Proof of Service must be furnished to the attorney of record.

**BILLING INFORMATION** - A Statement of the cost of this publication should be sent to the attorney of record named above and not to the Court.

**TO COUNSEL** - Please have the following publication notice run and file Proof of Publication with the Court at least 5 days prior to the hearing date.

STATE OF ALABAMA )  
 ) IN THE PROBATE COURT  
 ) OF SAID COUNTY  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

IN THE MATTER OF THE ADOPTION PETITION OF \_\_\_\_\_

**FINAL DECREE ON ADOPTION**

This above styled cause is now properly before the Court for disposition; and it now appears that an Interlocutory Order has been entered in this matter on, to-wit, \_\_\_\_\_; that due and proper notice of these proceedings has been perfected on those entitled; that all required consents to the adoption have been placed of record; and that all other requisites of law have been met; and on motion the Court proceeds; and

The Court being satisfied from clear and convincing evidence adduced that the facts alleged in said petition are true; that the adoptee has been in the actual physical custody of the Petitioner(s) for a period of sixty (60) days or more; that there has been no contest or objections brought in this cause; that the Petitioner(s) is/are suitable to be the parent (s) of said adoptee and he/she/they desire to establish a parent/child relationship with the adoptee; that the best interest of the adoptee will be served by granting the petition; and that a change [of name of the adoptee and a change] of guardianship to the Petitioner(s) is proper.

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that the petition for leave to adopt as filed by \_\_\_\_\_ be and the same is hereby granted; that said adoptee is hereby legally adopted by the Petitioner(s) and from this date the said adoptee shall be, as to all legal intents and purposes, the child of the Petitioner(s) to be accorded the status as set forth in the Alabama Adoption Code; and that the name of the adoptee in this matter is [not changed and shall remain \_\_\_\_\_] [hereby changed to \_\_\_\_\_, as prayed].

It is further **ORDERED** by the Court that a copy of this decree be forwarded to Alabama Department of Human Resources and to the State Registrar of Vital Statistics.

It is further **ORDERED** by the Court that all pleadings, papers and other documents filed in this cause be recorded and sealed.

It is further **ORDERED** by the Court that the costs of this proceeding [including a fee to the Guardian ad Litem in the sum of \$\_\_\_\_\_] be taxed to the Petitioner(s), FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

**DONE** this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

STATE OF ALABAMA ) IN THE PROBATE COURT  
 ) OF SAID COUNTY )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )

IN THE MATTER OF THE ADOPTION PETITION OF

PETITION FOR GRANDPARENT VISITATION

To \_\_\_\_\_, Judge of Probate:

Comes now \_\_\_\_\_, the [maternal] [paternal] grandparent(s) of \_\_\_\_\_ a minor, and the subject of the above styled adoption, and pursuant to §26-10A-30 petitions the Court to grant visitation rights to your petitioner(s) as determined proper and in the best interest of the said minor child.

Your petitioner(s) pray that the Court will assume jurisdiction of this matter, issue notice to those parties in interest as appropriate, conduct a hearing to consider this pleading and issue such orders to authorize the requested visitation. Your petitioner(s) pray for such other and further relief, the premises considered.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

STATE OF ALABAMA  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public in and for said County and State, hereby certify that \_\_\_\_\_, whose name(s) is/are signed to the foregoing petition and who is/are known to me, who being first duly sworn on oath, acknowledged before me on this day, that being informed of the contents of said petition executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

Name and Address of Attorney:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF ALABAMA )  
 ) IN THE PROBATE COURT  
 ) OF SAID COUNTY  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

IN THE MATTER OF THE ADOPTION PETITION OF \_\_\_\_\_

**ORDER SETTING HEARING FOR  
GRANDPARENT VISITATION**

This day came \_\_\_\_\_ the [maternal] [paternal] grandparent(s) of \_\_\_\_\_, a minor and the subject of the above styled adoption, and petitions the Court to permit visitation rights; and

It is **ORDERED** that said petition be filed and made a matter of record and that same be set for hearing on \_\_\_\_\_.

It is further **ORDERED** that notice of these proceedings issue to [names of parties – adopting parents, and others as the Court directs.] [and that \_\_\_\_\_, Esq., a person learned in the law, be and is hereby appointed as Guardian ad Litem to represent and protect the interest of said minor child in this proceeding and that notice of such appointment issue forthwith.]

**DONE** this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate

STATE OF ALABAMA )  
 )  
COUNTY OF \_\_\_\_\_ ) IN THE PROBATE COURT  
 ) OF SAID COUNTY  
 ) CASE NO. \_\_\_\_\_

IN THE MATTER OF THE ADOPTION PETITION OF \_\_\_\_\_

**ORDER ON GRANDPARENT VISITATION**

This being the day regularly set to hear and consider the petition for grandparent visitation as filed by \_\_\_\_\_ the [maternal] [paternal] grandparent(s) of \_\_\_\_\_, a minor and the subject of the above styled adoption; and it now appears that the Court's jurisdiction and venue are proper, that notice has been perfected as directed, and that said petition is now properly before the Court; and

Now comes said petitioner(s) by \_\_\_\_\_ [and also comes the said minor by \_\_\_\_\_, Esq., as Guardian ad Litem] [and also comes \_\_\_\_\_ (other parties) by \_\_\_\_\_, Esq.]; and on motion the Court proceeds with the hearing; and

Upon due consideration of the said petition and the testimony and evidence adduced, the Court does hereby **FIND, ORDER, ADJUDGE AND DECREE** that said petition be [granted and that \_\_\_\_\_ be afforded reasonable visitation with \_\_\_\_\_, a minor, as follows: (Set out times, date or other information as found to be in the best interest of the minor) [denied, the same being not in the best interest of said minor at this time].

It is further **ORDERED** by the Court that the costs of this proceeding [including a fee to the Guardian ad Litem in the sum of \$\_\_\_\_\_] be taxed to the petitioner(s), **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

**DONE** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
 ) SAID COUNTY )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )

IN THE MATTER OF AN ADOPTION

**PETITION FOR DISCLOSURE OF ADOPTION INFORMATION**  
(§ 6-10A-31)

To \_\_\_\_\_, Judge of Probate:

Comes now \_\_\_\_\_, age \_\_\_\_\_, being [the subject of the above referenced cause] [the \_\_\_\_\_ of that certain child adopted through this Court heretofore on or about \_\_\_\_\_], and petitions for the disclosure of certain [non-identifying] [identifying] [information as follows:]

[files of the investigating office or agency in this matter.]

Petitioner(s) further state(s) that such information is of vital importance and should be disclosed and for grounds therefor state(s):

Whereupon petitioner(s) pray that the Court will take jurisdiction of this matter, issue notice to those entitled, conduct hearings as may be proper, and grant the relief sought. Petitioner(s) further pray for such other and different relief, the premises considered.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

STATE OF ALABAMA  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public in and for said County and State, hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing petition and who is/are known to me, who being first duly sworn on oath, acknowledged before me on this day, that being informed of the contents of said petition executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_



STATE OF ALABAMA ) IN THE PROBATE COURT OF  
 ) SAID COUNTY )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )

IN THE MATTER OF AN ADOPTION

**PETITION FOR DISCLOSURE OF ADOPTION INFORMATION**  
(§ 26-10A-31)  
**(ALTERNATIVE)**

To \_\_\_\_\_, Judge of Probate:

Comes now \_\_\_\_\_, age \_\_\_\_\_, being the

(Check one or more below):

- subject of the above referenced adoption;  
*(Child's name before adoption)* \_\_\_\_\_
- natural mother of said child;
- natural father of said child;
- adoptive mother of said child;
- adoptive father of said child;
- attorney for the party marked above;
  
- Child's name after adoption:** \_\_\_\_\_

and petitions the Court to obtain a certified copy of the final decree of adoption entered in this matter, which document is requested for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

Whereupon petitioner(s) pray that the Court will take jurisdiction of this matter and grant the relief sought. Petitioner(s) further pray for such other and different relief, the premises considered.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

**STATE OF ALABAMA**

\_\_\_\_\_ **COUNTY**

I, \_\_\_\_\_, a Notary Public in and for said County and State, hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing petition and who is/are known to me, who being first duly sworn on oath, acknowledged before me on this day, that being informed of the contents of said petition executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

(My Commission expires:  
\_\_\_\_\_)

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
 ) SAID COUNTY  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

IN THE MATTER OF AN ADOPTION

**ORDER SETTING HEARING FOR DISCLOSURE  
OF ADOPTION INFORMATION**

This day came \_\_\_\_\_, [the subject of the above referenced cause] [the \_\_\_\_\_ of that certain minor child adopted under case number shown above] and petitions the Court for an order to access certain adoption information as requested therein.

It is **ORDERED** that said petition be filed and set for hearing on the \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_.

It is further **ORDERED** that \_\_\_\_\_ be and is hereby appointed Court Intermediary in this matter to [access such information] [make contact with \_\_\_\_\_, if possible, and obtain the requested information without disclosing the identity of the petitioner and determine if said party(ies) has/have any objection to said petition being granted].

It is further **ORDERED** that a sealed written report containing all information obtained in this matter by the said Intermediary be filed with the Court on the date above set.

\_\_\_\_\_  
Judge of Probate

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
 ) SAID COUNTY  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

IN THE MATTER OF AN ADOPTION

ORDER ON PETITION TO DISCLOSE  
ADOPTION INFORMATION

It now appears that the petition of \_\_\_\_\_ for disclosure of certain adoption information is now properly before the Court, that notice, if any, has been perfected, and that said petitioner(s) is/are represented by \_\_\_\_\_, Esq.; [and also comes \_\_\_\_\_, Esq., for the natural parent(s) of that certain minor child adopted under case number shown above]; and also comes \_\_\_\_\_, as Court Intermediary appointed in this matter; and

Upon due consideration of the said petition, and the evidence and information now before the Court, it is **ORDERED, ADJUDGED AND DECREED** as follows:

(State the information to be released or deny the petition)

It is further **ORDERED** by the Court that the costs of this proceeding be taxed to the petitioner(s), FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

\_\_\_\_\_  
Judge of Probate

State of Alabama Unified Judicial System Page 1 of 4 Form PR-1          6/07	<b>PETITION FOR ADOPTION</b> (Section 26-10A-16, Ala. Code 1975)	Probate Court Case No:
---	---	---------------------------

**STATE OF ALABAMA**  
 \_\_\_\_\_ **COUNTY**

In the Matter of the Adoption Petition of [Full Name(s) of Petitioner(s)]:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

To Adopt \_\_\_\_\_ (Name of Person)

[Check only one of the following boxes]:     a minor;     an adult

**TO THE HONORABLE \_\_\_\_\_, JUDGE OF PROBATE OF**  
 \_\_\_\_\_ **COUNTY, ALABAMA:**

Comes now the above-named Petitioner(s), wishing to adopt the person named above pursuant to the laws of the State of Alabama, who allege(s) the following (*Check which boxes are applicable*):

1. The Petitioner(s) \_\_\_\_\_ [full name(s) of petitioner(s)],  is/are (a) resident(s), of or  is/are in military service in, or  [for offices of any agency or institution operating under the laws of this state having guardianship or custody of a minor or adult is located, specifically \_\_\_\_\_ [Business Address, city or town, state, and zip code]] has/have an office in, the State of Alabama and the county(ies) of \_\_\_\_\_. The age(s) and his/her/their home or business address(es) including city(ies) or town(s), state(s), and zip code(s) are as follows:

\_\_\_\_\_

2. The Petitioners are married which marriage occurred on \_\_\_\_\_ (date), in \_\_\_\_\_ (city or town and state).

3. The Petitioner(s) respectfully petition(s) this Court for leave to adopt the above-named person, whose birth name is \_\_\_\_\_, with more detailed information set out below (*Check which boxes are applicable*):

Other Name(s) By Which the Person Has Been Known:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_

State of Alabama Unified Judicial System Page 2 of 4 Form PR-1            6/07	<b>PETITION FOR ADOPTION</b> (Section 26-10A-16, Ala. Code 1975)	Probate Court Case No:
---	---	---------------------------

- Proposed New Name of Person: \_\_\_\_\_
- City of Town, County, and State in Which the Person Now Resides or Has a Legal Residence: \_\_\_\_\_
- The person, who is a minor, is not in the custody of the Petitioner(s) but the Petitioner(s) intend(s) to acquire custody on \_\_\_\_\_ (date).
- Date and City or Town, County, and State of Birth of Person:  
\_\_\_\_\_

The reason(s) why the person is being adopted (*Check which boxes are applicable*):

- The person is a minor;
- The person is an adult stepchild by marriage;
- The person is an adult who consents in writing to be adopted and is related to any degree of kinship as defined by the intestacy laws of Alabama.
- The person is an adult who is totally and permanently disabled;
- The person is an adult who has been determined to be developmentally disabled.
- The person is an adult who consents in writing to be adopted by an adult man and woman who are husband and wife.

4. The person's name after adoption shall be as follows:  
\_\_\_\_\_

5. The Petitioner(s) wish(es) to establish a parent-child relationship with the person being adopted, and the Petitioner(s) represent(s) to the Court that he/she/they is/are (a) fit and proper person(s) able to care for and provide for the adopted person's welfare.

6. The above-named person being adopted is related to the Petitioner(s) as follows: \_\_\_\_\_

7. The Petitioner(s) aver(s) that the above-named person being adopted is now in the custody of (*If applicable, name(s) and home or business address(es), including city(ies) or town(s), state(s), and zip code(s), of any person(s), agency(ies), etc. who or which currently have custody of the above-named person to be adopted*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of Alabama Unified Judicial System Page 3 of 4 Form PR-1      6/07	<b>PETITION FOR ADOPTION</b> (Section 26-10A-16, Ala. Code 1975)	Probate Court Case No:
---	---	---------------------------

Name, County, and State of Court Issuing Custody Order and Date of Order:

---

8. The Petitioner(s) further aver(s) that there exist(s) the following order(s) of court regarding guardianship and/or conservatorship, and/or custody and/or visitation with, or access to, the person being adopted [*Name(s), County(ies), and State(s) of Court(s) Issuing Custody, Visitation, or Access Order(s) and Date(s) of Order(s)*]:

---



---

8a. The Petitioner(s) further aver(s) that the following action(s) relating to the custody, support, visitation, or other matter(s), relating to the person being adopted (*Name(s), County(ies), and State(s) of Court(s) Where Case(s) Was/Were Filed*):

---



---

9. If applicable, the name(s) and business address(es) [including city(ies) or town(s), state(s), and zip code(s)] of placing agency(ies) is/are as follows: \_\_\_\_\_

---

10. The name(s), relationship(s), age(s), and home or business address(es) of a/the person(s) known to the Petitioner(s) at the time of the filing of this Petition from whom a consent(s) or relinquishment(s) to this adoption are required by law are as follows:

Name/Relationship	Age	Home or Business Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. The person who is being adopted has been in the home of the Petitioner(s) since (date): \_\_\_\_\_

Attached to this Petition is a copy of the birth certificate of the person who is a minor being adopted or a copy of an affidavit stating that an application for a birth certificate has been made (except in cases where a minor has been abandoned).

State of Alabama Unified Judicial System Page 4 of 4 Form PR-1          6/07	<b>PETITION FOR ADOPTION</b> (Section 26-10A-16, Ala. Code 1975)	Probate Court Case No:
---	---	---------------------------

The premises considered, the Petitioner(s) pray(s) that this Court will do the following, if applicable: (1) take jurisdiction of the matters contained in this Petition for Adoption; (2) if applicable, issue an interlocutory order delegating custody and/or the responsibility for care, maintenance, and support of the persons being adopted; (3) set a time and date for a dispositional hearing; and (4) make such other and further orders and decrees as may be necessary to effectuate the legal adoption of the person.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Signature of Petitioner

\_\_\_\_\_  
 Signature of Petitioner

**STATE OF** \_\_\_\_\_  
 \_\_\_\_\_ **COUNTY**

I, \_\_\_\_\_, a Notary Public in and for the above-named County and State, hereby certify that \_\_\_\_\_, whose name(s) is/are signed to the foregoing Petition and who is/are known to me, who being first duly sworn on oath, acknowledged before me on this day, that being informed of the contents of this Petition, executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Attorney: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Notary Public

My Commission Expires: \_\_\_\_\_



STATE OF ALABAMA ) IN THE PROBATE COURT  
 ) OF SAID COUNTY )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )

IN THE MATTER OF THE ADOPTION PETITION OF

---

**AFFIDAVIT OF PETITIONER**

(§ 26-10A-23(d))

Comes now, \_\_\_\_\_ having been first duly sworn and placed under oath to speak the truth, does hereby state that I have paid no money or other things of value to any party in connection with this adoption proceeding except that which has been approved by the Court. I further state that I make the foregoing under penalty of perjury and may suffer the legal punishment for the same and that which is prescribed by § 26-10A-33 of the Alabama Adoption Code.

\_\_\_\_\_  
(Signature of Affiant)

I, \_\_\_\_\_, sign my name to this instrument this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and being first duly sworn do hereby declare to the undersigned authority that I execute it as my free and voluntary act for the purposes therein expressed, and that I am \_\_\_\_\_ years of age or older, of sound mind, and under no constraint or undue influence.

STATE OF ALABAMA )  
COUNTY OF \_\_\_\_\_ )

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Official Capacity of Officer:  
\_\_\_\_\_

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
 ) SAID COUNTY  
 COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

IN THE MATTER OF AN ADOPTION

CONSENT OR RELINQUISHMENT OF MINOR FOR ADOPTION

(§ 26-10A-12 and 31)

KNOW ALL MEN BY THESE PRESENTS, that I, \_\_\_\_\_, having been first duly placed under oath, do hereby state, agree and consent to the following:

1. That I, the \_\_\_\_\_ of  
 (a) \_\_\_\_\_, a minor; born on \_\_\_\_\_; **or**  
 (b) an unborn child whose expected date of birth is \_\_\_\_\_; do hereby:  
 (a) consent to the adoption of the said minor by \_\_\_\_\_;  
**or**  
 (b) relinquish the said minor for the purpose of adoption to \_\_\_\_\_ in order that said minor may have all the privileges which may be accorded to \_\_\_\_\_ by the laws of Alabama upon \_\_\_\_\_ legal adoption.
2. I am executing this document voluntarily and unequivocally thereby [consenting to the adoption of] [relinquishing] said minor;
3. I understand that by signing this document and the subsequent court order to ratify the consent, I will forfeit all rights and obligations to said minor unless said petitioner is my spouse; and that I understand the [consent to the adoption] [relinquishment] and execute it freely and voluntarily;
4. I understand that the [consent to the adoption] [relinquishment] may be irrevocable, and I should not execute it if I need or desire psychological or legal advice, guidance or counseling;
5. I have received or been offered a copy of this document;
6. I waive the right to know the identity of each petitioner who petitions to adopt the said minor child;
7. [I waive further notice of the adoption proceedings by the execution of this relinquishment to the named agency] **or** [I waive further notice of the adoption proceedings by the execution of this consent, unless there is a contest or appeal of the adoption proceedings];
8. I understand that notice of withdrawal of [consent] [relinquishment] must be mailed to [Probate Court of \_\_\_\_\_ County at the following address: \_\_\_\_\_] **or** [\_\_\_\_\_]  
*(Name & address of agency with whom document filed or the petitioners or their attorney if county where petition is filed is unknown)*

and that such withdrawal must be mailed within five (5) days after the birth of said minor or the execution of this document whichever comes last;

9. I do hereby request that the Probate Judge make all such orders and decrees as may be necessary or proper to legally effectuate said adoption; and
10. I do [ ] **or** do not [ ] consent to the disclosure of identifying information to said child after he/she reaches the age of 19 years as such information relates to me.

**Given** under my hand at \_\_\_\_\_ o'clock, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 at \_\_\_\_\_ (Address of Filing)

\_\_\_\_\_  
 (Affiant's Signature)

I, \_\_\_\_\_, sign my name to this instrument this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and being first duly sworn do hereby declare to the undersigned authority that I execute it as my free and voluntary act for the purposes therein expressed, and that I am \_\_\_\_\_ years of age or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
 (Affiant's Signature)

**STATE OF ALABAMA** )  
 )  
**COUNTY OF** \_\_\_\_\_)

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_ this \_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
 (Signature of Officer)

\_\_\_\_\_  
 (Official Capacity of Officer)

I acknowledge receipt of two copies of this document.

\_\_\_\_\_

Date: \_\_\_\_\_

**NOTICE OF WITHDRAWAL**

I, \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_ a.m./p.m. in the presence of the two witnesses whose signatures and addresses are subscribed below, hereby withdraw the adoption [consent] [relinquishment] previously signed by me.

\_\_\_\_\_  
(Affiant's Signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Address)

STATE OF ALABAMA ) IN THE PROBATE COURT  
 ) OF SAID COUNTY )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

IN THE MATTER OF AN ADOPTION

AFFIDAVIT OF NATURAL PARENT

(§ 26-10A-23(d))

Comes now, \_\_\_\_\_, the natural \_\_\_\_\_ of  
[ \_\_\_\_\_, a minor, born on  
\_\_\_\_\_ ] [an unborn child whose expected date of birth is  
\_\_\_\_\_] who is the subject of this adoption proceeding and,  
having been first duly sworn and placed under oath to speak the truth, does hereby state that I have  
received no money or other things of value or been paid for giving the said minor up for adoption.  
I further state that I make the foregoing under penalty of perjury and may suffer the legal  
punishment for the same and that which is prescribed by §26-10A-33 of the Alabama Adoption  
Code.

\_\_\_\_\_  
(Signature of Affiant)

I, \_\_\_\_\_, sign my name to this instrument this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and being first duly sworn do hereby declare to the  
undersigned authority that I execute it as my free and voluntary act for the purposes therein  
expressed, and that I am \_\_\_\_\_ years of age or older, of sound mind, and under no  
constraint or undue influence.

\_\_\_\_\_  
(Signature of Affiant)

STATE OF ALABAMA )  
COUNTY OF \_\_\_\_\_ )

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Official Capacity of Officer: \_\_\_\_\_

STATE OF ALABAMA ) IN THE PROBATE COURT  
 ) OF SAID COUNTY )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_)

IN THE MATTER OF THE ADOPTION PETITION OF  
\_\_\_\_\_

**AFFIDAVIT RE: BIRTH CERTIFICATE**

(§ 26-10A-16(c))

To \_\_\_\_\_:

KNOW ALL MEN BY THESE PRESENTS, that I/We \_\_\_\_\_, after having been first placed under oath, do hereby state to the Court that the birth certificate for \_\_\_\_\_, a minor, who was born on \_\_\_\_\_ at \_\_\_\_\_ (Name of Hospital, etc.) in the County of \_\_\_\_\_, State of \_\_\_\_\_, is not presently available and cannot be filed with the petition for leave to adopt as required by § 26-10A-16(c); and that application for said birth certificate has been made and will be forwarded to the Court upon receipt thereof.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(Signature of Affiant)

\_\_\_\_\_  
(Signature of Affiant)

STATE OF ALABAMA )  
\_\_\_\_\_ COUNTY )

I, \_\_\_\_\_, a Notary Public in and for said County and State, hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing affidavit and who is/are known to me, who being first duly sworn on oath, acknowledged before me on this day, that being informed of the contents of said affidavit executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

STATE OF ALABAMA ) IN THE PROBATE COURT  
 ) OF SAID COUNTY  
 COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

IN THE MATTER OF AN ADOPTION

CONSENT OF MINOR

(§ 26-10A-7(a))

KNOW ALL MEN BY THESE PRESENTS, that I, \_\_\_\_\_, having been first duly placed under oath, do hereby state, agree and consent to the following:

1. That I am \_\_\_\_\_ years of age, having been born on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;
2. That my marital status is ( ) single, ( ) married, ( ) divorced, ( ) widowed;
3. That I have received a copy of the petition for my adoption by \_\_\_\_\_ and having first read the said petition, understand its content and purpose;
4. That if the petition is granted by the Probate Court, there will then exist a legal parent/child relationship between the Petitioner(s) and myself;
5. That if such adoption is one by my stepparent, then the legal relationship with my natural parent who is married to the Petitioner will not be disturbed;
6. That a hearing will be conducted by the Probate Court of \_\_\_\_\_ regarding the petition for adoption of which hearing I will be informed in writing;
7. That I am entitled and encouraged to be present in Court on the date of the hearing and to participate if I desire to do so;
8. That I do hereby consent and agree that the aforesaid petition be filed and granted by the Probate Court, if it finds proper, to effectuate my legal adoption by \_\_\_\_\_; and
9. That if I wish to withdraw this consent, a written notice of withdrawal executed by me before two (2) witnesses must be mailed to the Probate Court of \_\_\_\_\_ County at the following address: \_\_\_\_\_, within five (5) days after the execution of this consent.

**Given** under my hand at \_\_\_\_\_ o'clock, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at

\_\_\_\_\_  
 (Address of Filing)

\_\_\_\_\_  
 (Affiant's Signature)

I, \_\_\_\_\_, sign my name to this instrument this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and being first duly sworn do hereby declare to the undersigned authority that I execute it as my free and voluntary act for the purposes therein expressed, and that I am \_\_\_\_\_ years of age or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
(Affiant's Signature)

**STATE OF ALABAMA** )  
**COUNTY OF \_\_\_\_\_** )

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
(Signature of Officer)

\_\_\_\_\_  
(Official Capacity of Officer)

I acknowledge receipt of two copies of this document.

\_\_\_\_\_  
Date: \_\_\_\_\_

**NOTICE OF WITHDRAWAL**

I \_\_\_\_\_, on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in the presence of the two witnesses whose signatures and addresses are subscribed below, hereby withdraw the adoption consent previously signed by me.

\_\_\_\_\_  
(Affiant's Signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Address)



STATE OF ALABAMA ) IN THE PROBATE COURT  
 ) OF SAID COUNTY )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )

IN THE MATTER OF AN ADOPTION

WAIVER OF NOTICE

(§ 26-10A-17)

Comes now \_\_\_\_\_, and hereby waives any and all notice of the pendency of the adoption proceeding [of \_\_\_\_\_, a minor, born on \_\_\_\_\_.] [of an unborn child whose expected date of birth is \_\_\_\_\_.]

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

STATE OF ALABAMA )  
\_\_\_\_\_ COUNTY )

I, \_\_\_\_\_, a Notary Public in and for said County and State, hereby certify that \_\_\_\_\_ whose name is signed to the foregoing petition and who is known to me, who being first duly sworn on oath, acknowledged before me on this day, that being informed of the contents of said petition executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

STATE OF ALABAMA ) IN THE PROBATE COURT OF  
 ) SAID COUNTY )  
 COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )

IN THE MATTER OF THE ADOPTION PETITION OF

---

**DISCLOSURE OF ANTICIPATED DISBURSEMENTS**

Comes now, \_\_\_\_\_ and \_\_\_\_\_, the Petitioners in the above styled adoption proceeding and pursuant to § 26-10A-23(b) do hereby submit to this Honorable Court for its consideration a listing of all anticipated charges, expenses and fees for services which said Petitioners will be paying in this matter, the same being as follows:

<b><u>Recipient/Purpose</u></b>	<b><u>Amount</u></b>
---------------------------------	----------------------

Petitioners pray that this Disclosure of Anticipated Disbursement be filed for record and that the Court upon first conducting a proper hearing, will consider each item reported and enter its decision as to the same.

Petitioners pray for such other further and different relief as may be proper, the premises considered.

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 \_\_\_\_\_

I/We, \_\_\_\_\_, sign my/our name(s) to this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, and being first duly sworn do hereby declare to the undersigned authority that I/we execute it as my/our free and voluntary act for the purposes therein expressed, and that I/we am/are \_\_\_\_\_ years of age or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
 \_\_\_\_\_

**STATE OF ALABAMA** )  
 )  
**COUNTY OF \_\_\_\_\_** )

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Official Capacity of Officer:

\_\_\_\_\_

STATE OF ALABAMA )  
 ) IN THE PROBATE COURT OF  
 ) SAID COUNTY )  
COUNTY OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

IN THE MATTER OF THE ADOPTION PETITION OF

DISCLOSURE AND ACCOUNTING OF  
DISBURSEMENTS PAID IN ADOPTION

Comes now, \_\_\_\_\_, the Petitioner(s) in the above styled matter and pursuant to § 26-10A-23(c) do hereby make a full accounting of all disbursements paid in this adoption which have been previously approved by the Court on \_\_\_\_\_, the same being set out as follows:

To Whom Paid and Purpose Amount

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

I/We, \_\_\_\_\_, sign my/our name(s) to this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and being first duly sworn do hereby declare to the undersigned authority that I/we execute it as my/our free and voluntary act for the purposes therein expressed, and that I/we am/are \_\_\_\_\_ years of age or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
\_\_\_\_\_

STATE OF ALABAMA )  
COUNTY OF \_\_\_\_\_ )

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Official Capacity of Officer:  
\_\_\_\_\_

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

In the adoption of \_\_\_\_\_  
Case No. \_\_\_\_\_; In re: \_\_\_\_\_

**Affidavit for Publication  
(Rule 4.3 ARCP)**

Comes now the undersigned counsel of record for the Petitioner in this cause and, upon first being duly sworn, does hereby state to this Honorable court that service of process on

\_\_\_\_\_  
\_\_\_\_\_,  
party(ies) to these proceedings, cannot be made because of the following:

- ( ) the current residence of said party(ies) is/are unknown to the affidavit and cannot with reasonable diligence be ascertained; or
- ( ) the resident party(ies) has/have been absent for more than 30 days since the filing of the pleading; or
- ( ) the said party(ies) avoid(s) service, which facts of said avoidance are as follows:

\_\_\_\_\_  
\_\_\_\_\_

Done this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Counsel

Attorney for: \_\_\_\_\_

Sworn to and signed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public/Clerk of Court

## ALABAMA REPORT OF ADOPTION

INSTRUCTIONS: Parts I and II of this report must be completed by the petitioners, their attorney, or the Court.

Within ten (10) days after the final decree of adoption has been made, the Clerk of the Court shall make this certification in Part III, affix his official seal, and forward this report with the final decree of adoption to the State Registrar, Center for Health Statistics, P. O. Box 5625, Montgomery, Alabama 36103-5625. If the child was born in Alabama, a new certificate listing the child's new name and adoptive parents will be prepared. The fee to prepare this new birth certificate is \$25.00 payable to the Alabama State Board of Health. This fee also includes one certified copy of the new certificate. If the adopted child was not born in Alabama, the State Registrar will forward the certified copy of the final decree of adoption and the report of adoption to the proper official in the state of birth. The fee to forward the final decree of adoption and report of adoption to the proper official in the state of birth is \$10.00 payable to the Alabama State Board of Health. To obtain a certified copy of this birth certificate, contact the state of birth.

### PART I INFORMATION ABOUT CHILD (To Identify Original Birth Certificate)

Full Name of Child at Birth	First	Middle	Last	Birth Certificate Number (If Known)
Place of Birth	City-Town Location		State and Country of Birth	Date of Birth
				Sex
Full Maiden Name of NATURAL Mother	First	Middle	Last	Race
Full Name of LEGAL Father	First	Middle	Last	Race

### PART II INFORMATION AFTER ADOPTION (For New Birth Certificate)

Full Name of Child After Adoption	First	Middle	Last		
FATHER – Full Name	First	Middle	Last	Race	
Father's State of Birth (if not in USA, name Country)		Father's Date of Birth		Father (check one) Adoptive <input type="checkbox"/> Natural <input type="checkbox"/>	
MOTHER – Maiden Last Name	Mother's Legal Name	First	Middle	Last	Race
Mother's Date of Birth	Mother's State of Birth (if not in USA, name Country)		Mother's Usual Residence – State		
Mother's Residence – County		Mother's Residence – City or Town and Zip Code			
Mother's Residence – Street Address (if rural, give location)		Mother's Residence – Inside City Limits (Specify Yes or No)		Mother (check one) Adoptive <input type="checkbox"/> Natural <input type="checkbox"/>	
Mailing Address of Adoptive Parents					
Name and Full Address of Attorney Or Agency Representative			Phone Number		Title Attorney

### PART III CERTIFICATION OF CLERK OF COURT Must be properly signed, dated and sealed.

Name of Court	Probate Court	For City, County of	Huntsville, Madison
I hereby certify that the adoption as set forth above was made final in this Court by decree dated _____			
and bearing No. _____			
	Signature	_____	
	Title	_____	
	By	_____	
	(Seal)		

State of Alabama Unified Judicial System Page 1 of 4 Form PR-1      8/08	<b>PETITION FOR ADULT          ADOPTION</b> (Section 26-10A-16, Ala. Code 1975)	Probate Court Case No:
---	--	---------------------------

**STATE OF ALABAMA**  
 \_\_\_\_\_ **COUNTY**

In the Matter of the Adoption Petition of [Full Name(s) of Petitioner(s) and his/her/their residence address(es), including city(ies) or town(s), state(s), and zip code(s)]:

\_\_\_\_\_

\_\_\_\_\_

To Adopt \_\_\_\_\_ (Name of Person), an adult.

**TO THE HONORABLE \_\_\_\_\_, JUDGE OF PROBATE OF  
 \_\_\_\_\_ COUNTY, ALABAMA:**

Comes now the above-named Petitioner(s), wishing to adopt the person named above pursuant to the laws of the State of Alabama, who allege(s) the following (*Check which boxes are applicable*):

1. The Petitioner(s)  is/are residents of, or  is/are in military service in, or  as an agency or institution having guardianship or custody of the person to be adopted, has/have an office in, \_\_\_\_\_ the State of Alabama and the county(ies) of \_\_\_\_\_.

2. The Petitioners are married which marriage occurred on \_\_\_\_\_ (date), in \_\_\_\_\_ (city or town and state).

3. The Petitioner(s) respectfully petition(s) this Court for leave to adopt the above-named person, whose birth name is \_\_\_\_\_, with more detailed information set out below (*Check which boxes are applicable*):

Other Name(s) By Which the Person Has Been Known: \_\_\_\_\_

\_\_\_\_\_

Proposed New Name of Person: \_\_\_\_\_

City or Town, County, and State in Which the Person Now Resides or Has a Legal Residence: \_\_\_\_\_

\_\_\_\_\_

State of Alabama Unified Judicial System Page 2 of 4 Form PR-1      8/08	<b>PETITION FOR ADULT ADOPTION</b> (Section 26-10A-16, Ala. Code 1975)	Probate Court Case No:
---	---	---------------------------

Date and City or Town, County, and State of Birth of Person:

\_\_\_\_\_

Name(s) of Birth Parent(s)\_\_\_\_\_

Name of investigating party/agency for unrelated petitioner(s):\_\_\_\_\_

Name and address of person/agency doing home study:\_\_\_\_\_

The reason(s) why the person is being adopted [*Check which boxes are applicable*]:

This person can be adopted because:

- The person is an adult stepchild by marriage;
- The person is an adult who consents in writing to be adopted and is related to any degree of kinship as defined by the intestacy laws of Alabama;
- The person is an adult who is totally and permanently disabled;
- The person is an adult who has been determined to be developmentally disabled;
- The person is an adult who consents in writing to be adopted by an adult man and woman who are husband and wife.

4. The person's name after adoption shall be as follows:

\_\_\_\_\_

5. The Petitioner(s) wish(es) to establish a parent-child relationship with the person being adopted, and the Petitioner(s) represent(s) to the Court that he/she/they is/are (a) fit and proper person(s) able to care for and provide for the adopted person's welfare.

6. The above-named person being adopted is related to the Petitioner(s) as follows:\_\_\_\_\_

7. The Petitioner(s) aver(s) that the above-named person being adopted is now in the custody of (*If applicable, name(s) and home address(es), including city(ies) or town(s), state(s), and zip code(s), of any person(s), or address(es) of any agency(ies), etc. who or which currently have custody of the above-named person to be adopted*):\_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_



State of Alabama Unified Judicial System Page 3 of 4 Form PR-1            8/08	<b>PETITION FOR ADULT          ADOPTION</b> (Section 26-10A-16, Ala. Code 1975)	Probate Court Case No:
---	--	---------------------------

Name, County, and State of Court Issuing Custody Order and Date of Order:

---

8. The Petitioner(s) further aver(s) that there exist(s) the following additional order(s) of court regarding custody or visitation with, or access to, the Adoptee [*Name(s), County(ies), and State(s) of Court(s) Issuing Custody, Visitation, or Access Order(s) and Date(s) of Order(s)*]:

---



---

9. If applicable, the name(s) and business address(es) [including city(ies) or town(s), state(s), and zip code(s)] of placing agency(ies) is/are as follows: \_\_\_\_\_

---

10. The name(s), relationship(s), age(s), and home address(es) of a/the person(s) known to the Petitioner(s) at the time of the filing of this Petition from whom a consent(s) or relinquishment(s) to this adoption are required by law are as follows:

Name/Relationship	Age	Home or Business Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. The person who is being adopted has been in the home of the Petitioner(s) since (date): \_\_\_\_\_

Attached to this Petition is a copy of the birth certificate of the person who is being adopted or a copy of an affidavit stating that an application for a birth certificate has been made.

The premises considered, the Petitioner(s) pray(s) that this Court will do the following if applicable: (1) take jurisdiction of the matters contained in this Petition for Adoption; (2) if applicable, issue an interlocutory order delegating custody and/or the responsibility for the care, maintenance, and support of the persons being adopted; (3) set a time and date for a dispositional hearing; and (4) make such other and further orders and decrees as may be necessary to effectuate the legal adoption of the person.

State of Alabama Unified Judicial System Page 4 of 4 Form PR-1      8/08	<b>PETITION FOR ADULT          ADOPTION</b> (Section 26-10A-16, Ala. Code 1975)	Probate Court Case No:
---	--	---------------------------

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Signature of Petitioner(s)

**STATE OF ALABAMA    )**  
 \_\_\_\_\_ **COUNTY    )**

I, \_\_\_\_\_, a Notary Public in and for the above-named County and State, hereby certify that \_\_\_\_\_, whose name(s) is/are signed to the foregoing Petition and who is/are known to me, who being first duly sworn on oath, acknowledged before me on this day, that being informed of the contents of this Petition, executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Notary Public

My Commission Expires: \_\_\_\_\_

State of Alabama Unified Judicial System Page 1 of 4 Form PR-2      8/08	<b>CONSENT FOR ADULT          TO BE ADOPTED</b> (Section 26-10A-11(b), Ala. Code 1975)	Probate Court Case No:
---	--	---------------------------

**STATE OF ALABAMA**  
 \_\_\_\_\_ **COUNTY**

IN the Matter of the Adoption Petition of [Full Name(s) and Age(s) of Petitioner(s) and His/Her/Their Residence Address(es), including City(ies) or Town(s), State(s), and Zip Code(s)]:

---

To Adopt \_\_\_\_\_ (Name of Person), **an Adult.**

KNOW ALL MEN BY THESE PRESENTS that I, \_\_\_\_\_, as (Check which boxes are applicable):  the person being adopted; OR  the spouse or  the guardian or  the conservator of the person being adopted; OR  the guardian ad litem appointed by this Court for the person being adopted (having filed a written report), after been first duly placed under oath, do hereby state, agree, and consent to  my adoption  the adoption of \_\_\_\_\_ (Name of person being adopted) by \_\_\_\_\_ [Name(s) of Petitioner(s), unless identity waived] in order that the person being adopted may have all the privileges which may be accorded to the person by the laws of Alabama upon his or her legal adoption.

The Petitioner(s) further aver(s) as follows (Check which boxes are applicable):

1. That the person being adopted is \_\_\_\_ years of age, having been born on \_\_\_\_\_ (state month, day and year of birth).

2. Any other name(s) by which the person being adopted has been known:  
 \_\_\_\_\_.

3. That a copy of the Petition for Adoption of the person was received and that [Check which boxes are applicable]:  the person being adopted has read the Petition and understands its content and purpose; OR the  spouse,  guardian,  conservator, or  guardian ad litem has read the Petition and understands its content and purpose;

4. As the  person being adopted; OR the  spouse,  guardian,  custodian, or  guardian ad litem of the person being adopted, I am executing this document voluntarily and unequivocally thereby consenting to the adoption.

5. I, as the  person being adopted; OR the  spouse,  guardian,  custodian, or  guardian ad litem of the person being adopted, understand that by signing this document and the subsequent court order to ratify the consent, I will forfeit all rights and obligations and that I understand the consent to the adoption and execute it freely and voluntarily.

State of Alabama Unified Judicial System Page 2 of 4 Form PR-2      8/08	<b>CONSENT FOR          ADULT          TO BE ADOPTED</b> (Section 26-10A-11(b), Ala. Code 1975)	Probate Court Case No:
---	---	---------------------------

6. I understand that the consent to the adoption may be irrevocable, and I should not execute it if I need or desire psychological or legal advice, guidance, or counseling.

7. I, as the  person being adopted; OR the  spouse,  guardian,  custodian, or  guardian ad litem of the person being adopted, have received or have been offered a copy of this document.

8. I, as the  person being adopted; OR the  spouse,  guardian,  custodian, or  guardian ad litem, am voluntarily waiving the right to know the identity of each petitioner who petitions to adopt the person by executing this consent.

9. I, as the  person being adopted; OR the  spouse,  guardian,  custodian, or  guardian ad litem of the person being adopted, waiver further notice of the adoption proceedings by the execution of this consent, unless there is a contest or appeal of the adoption proceedings.

10. I understand that notice of withdrawal of this consent must be mailed to \_\_\_\_\_ (county where the consent or petition is filed, if known) Probate Court at the following address; OR \_\_\_\_\_ (name and address of agency with whom document is filed); OR \_\_\_\_\_ (name of the petitioner(s) or his/her/their attorney, if the county where the petition was filed is unknown) and that such withdrawal must be mailed within five days of the execution of this document.

11. That the purpose of this adoption is as follows: \_\_\_\_\_

\_\_\_\_\_  
*(Attach additional sheets, if necessary)*, and not for any fraudulent purpose.

12. That a hearing will be conducted by this Court regarding the Petition for Adoption at which hearing the person being adopted, and, if applicable, the spouse, guardian, conservator, or guardian ad litem, will be informed in writing.

I do hereby request that Judge of Probate make all orders and decrees as may be necessary or proper to legally effect the adoption.

State of Alabama Unified Judicial System Page 3 of 4 Form PR-2      8/08	<b>CONSENT FOR          ADULT TO BE          ADOPTED</b> (Section 26-10A-11(b), Ala. Code 1975)	Probate Court Case No:
---	---	---------------------------

Given under my hand at \_\_\_\_\_ o'clock  A.M.  P.M. (time) on \_\_\_\_\_ (date), at \_\_\_\_\_ (address of filing)

\_\_\_\_\_  
*[Signature of Person Being Adopted, Spouse, Guardian,  
 Conservator, or Guardian ad Litem]*

I, \_\_\_\_\_, sign my name to this instrument this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and being duly sworn, do hereby declare to the undersigned authority that I execute it as my free and voluntary act for the purpose therein expressed, and I am \_\_\_\_ years of age or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
*[Signature of Person Being Adopted, Spouse, Guardian,  
 Conservator, or Guardian ad Litem]*

**STATE OF ALABAMA**                    )  
 \_\_\_\_\_ **COUNTY**                )

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_, this \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Notary Public  
 My Commission Expires: \_\_\_\_\_

I acknowledge receipt of two copies of this document.

\_\_\_\_\_  
 \_\_\_\_\_ (Seal)  
 \_\_\_\_\_ (Date)

**NOTICE OF WITHDRAWAL**

I, \_\_\_\_\_, as [Check which boxes are applicable]:  the person being adopted; OR the  spouse, or  guardian, or  conservator of the person being adopted, or  the guardian ad litem of the person being adopted by this Court for the person being adopted, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_  a.m.  p.m. (time of day) in the presence of two (2) witnesses, whose signatures and addresses are subscribed

State of Alabama Unified Judicial System Page 4 of 4 Form PR-2      8/08	<b>CONSENT FOR ADULT          TO BE ADOPTED</b> (Section 26-10A-11(b), Ala. Code 1975)	Probate Court Case No:
---	--	---------------------------

below, hereby withdraw the Consent to Adoption previously signed by me.

\_\_\_\_\_  
*[Signature of Person Being Adopted, Spouse, Guardian,  
 Conservator, or Guardian ad Litem]*

\_\_\_\_\_  
 [Printed Name of Witness]

\_\_\_\_\_  
 [Signature of Witness]

\_\_\_\_\_  
 [Home Address of Witness, including City or Town, State, and Zip Code]

\_\_\_\_\_  
 [Printed Name of Witness]

\_\_\_\_\_  
 [Signature of Witness]

\_\_\_\_\_  
 [Home Address of Witness, including City or Town, State, and Zip Code]

State of Alabama Unified Judicial System  Form ARAP-1 (front)      Rev.1/97	<b>NOTICE OF APPEAL TO THE</b> (Check appropriate block) <input type="checkbox"/> SUPREME COURT OF ALABAMA <input type="checkbox"/> COURT OF CIVIL APPEALS OF ALABAMA	<b>Civil Action Number:</b>  
<b>IN THE _____ COURT OF _____ COUNTY, ALABAMA</b>		
<b>APPELLANT</b>		
<b>V. APPELLEE</b>		
<b>TRIAL JUDGE</b>		
<b>DATE OF JUDGMENT:</b>		<b>DATE OF POST – JUDGMENT ORDER:</b>
<b>NOTICE IS HEREBY GIVEN THAT</b> _____ appeal(s) to the above-named court from the <input type="checkbox"/> Final Judgment <input type="checkbox"/> Order _____ entered in this cause. (describing it)		
CHECK THE PROPER DESCRIPTION OF THE APPEALED CASE UNDER THE APPROPRIATE COURT:		
<p style="text-align: center;"><b>SUPREME COURT</b></p> 1. <input type="checkbox"/> Summary Judgment, amount claimed more than \$ 50,000 2. <input type="checkbox"/> Judgment Amount exceeds \$50,000 3. <input type="checkbox"/> Amount Sought in trial court more than \$50,000, Judgment for defendant 4. <input type="checkbox"/> Equitable Relief, except for domestic relations 5. <input type="checkbox"/> Other: _____	<p style="text-align: center;"><b>COURT OF CIVIL APPEALS</b></p> 1. <input type="checkbox"/> Summary Judgment, amount claimed \$ 50,000 or less 2. <input type="checkbox"/> Judgment Amount \$50,000 or less 3. <input type="checkbox"/> Amount Sought \$50,000 or less, judgment for defendant 4. <input type="checkbox"/> Workmen's Compensation 5. <input type="checkbox"/> Domestic Relations 6. <input type="checkbox"/> Other: _____	
<b>APPELLANT FILES WITH THIS NOTICE OF APPEAL:</b> 1. <input type="checkbox"/> Security for costs of appeal 2. <input type="checkbox"/> A supersedeas bond in the amount of \$ _____ 3. <input type="checkbox"/> Deposited cash security in the amount of \$ _____		
4. <input type="checkbox"/> Is exempted by law from giving security for costs of appeal by virtue of _____		
Filed _____ (Date)	Address _____	
	Telephone Number _____	
CERTIFIED AS A TRUE COPY		
_____ Circuit Clerk	_____ Appellant or Attorney for Appellant	
	Email _____	
<b>SECURITY FOR COSTS</b>		
We hereby acknowledge ourselves security for costs of appeal. For the payment of all costs secured by this undertaking, we hereby waive our right of exemption as to personal property under the Constitution and laws of the State of Alabama.		
Executed with our seals this _____ day of _____, _____.		
Filed and approved: _____ (Date)	_____ (L.S.) Appellant-principal	
	_____ (L.S.) Surety	
_____ Circuit Clerk <small>(Amended November 9, 1976; October 1, 1991.)</small>	_____ (L.S.) Surety	
<b>SUPERSEDEAS BOND</b>		
We, the undersigned principal and sureties, hereby acknowledge ourselves bound unto _____ in the sum of _____ Dollars, for the payment of which we bind ourselves, and each other, our heirs, executors, [(for amount of bond see Rule 8(a) and administrators, jointly and severally, and as part of this undertaking we hereby waive our rights of exemption as to personal property under the Constitution and laws of the State of Alabama.		

WHEREAS, the above-named appellee (s) recovered a judgment against appellant (s) for the sum of \_\_\_\_\_ Dollars (and the further acts or duty \_\_\_\_\_) [describing judgment in addition to or other than for money only] \_\_\_\_\_ Dollars, the costs in that behalf expended.

NOW, therefore, the condition of the foregoing obligation is such that, if the appellant shall prosecute this appeal to effect, and satisfy such judgment, penalties, and costs including costs of appeal as may be rendered in this case, then the said obligation to be null and void, otherwise to remain in full force and effect.

Executed with our seals this \_\_\_\_\_ day of \_\_\_\_\_.

Filed and approved: \_\_\_\_\_ (Date) Appellant-principal \_\_\_\_\_ (L.S.)

Surety \_\_\_\_\_ (L.S.)

Circuit Clerk \_\_\_\_\_ Surety \_\_\_\_\_ (L.S.)

EXECUTION OF JUDGMENT STAYED:  
Bond fixed at: \$ \_\_\_\_\_ (L.S.)  
(Not required for money judgment only.) Circuit Judge \_\_\_\_\_

**DESIGNATION OF RECORD ON APPEAL**

DESIGNATION OF CLERK'S RECORD: Appellant requests the clerk to include the following checked materials in the clerk's record:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>1. <input type="checkbox"/> Complaint</li> <li>2. <input type="checkbox"/> Answer</li> <li>3. <input type="checkbox"/> Counter-claim</li> <li>4. <input type="checkbox"/> Cross-Claim</li> <li>5. <input type="checkbox"/> Third-party Complaint</li> <li>6. <input type="checkbox"/> Third-party Answer</li> <li>7. <input type="checkbox"/> Motion to dismiss</li> <li>8. <input type="checkbox"/> Pretrial order</li> </ul> | <ul style="list-style-type: none"> <li>9. <input type="checkbox"/> Entire record (less those items set forth in Rule 10 (a))</li> <li>10. <input type="checkbox"/> Motion for summary judgment</li> <li>11. <input type="checkbox"/> Opposition to motion for summary judgment</li> <li>12. <input type="checkbox"/> Final (Judgment) (Order)</li> <li>13. <input type="checkbox"/> Motion for New Trial</li> <li>14. <input type="checkbox"/> Ruling on Motion</li> <li>15. <input type="checkbox"/> Others: _____</li> <li>16. <input type="checkbox"/> Exhibit Number: _____</li> </ul> |
|---|--|

**TRANSCRIPT STATUS**

- Transcript will not be ordered. [See Rule 10(b), ARAP.]
- Transcript will be ordered. [See Rules 10(b)(2) and 11 (a)(2), ARAP. Form 1A or 1B.] Court reporter(s): \_\_\_\_\_

NOTE: If more than one court reporter was involved in this case, you must file a Transcript Purchase Order Form in compliance with Rules 10(b) and 11(c), Form 1A or 1B of the ARAP, for each court reporter.  
(Amended October 1, 1991.)

**CERTIFICATE OF FILING**

I certify that I have this date filed with the clerk of the trial court the original and \_\_\_\_\_ copies of the foregoing notice of appeal (along with \$ 200 docket fee), and such other instruments as have been completed and included herein. A true copy of each of these items will be served by the clerk of the trial court on each of the following:

- 1) Clerk of the appellate court, (the \$ 200 docket fee shall be transmitted with this filing) or affidavit of hardship.
- 2) Court Reporter.
- 3) Counsel for appellee, or appellee if no counsel.  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Attorney for Appellant

(Amended October 1, 1991.)



<b>State of Alabama Unified Judicial System</b> <b>Form ARAP-24 (front) 1/97</b>	<b>DOCKETING STATEMENT</b> <b>Appeal to the Supreme Court of Alabama</b> <i>NOTE: completed Civil Case Cover Sheet must be attached</i>	<b>Appellate Case Number</b> (to be filled in by appellate court) _____																																		
COUNTY _____	CIVIL ACTION NUMBER _____	TRIAL JUDGE _____																																		
<b>I. PARTY/ PARTIES FILING</b> APPEAL (Appellant) : _____ APPELLANT'S ATTORNEY: _____ ( ) _____ <small>Address City State Zip Code Telephone Number</small>																																				
<b>II. PARTY/ PARTIES APPEALED</b> APPEAL (Appellee) : _____ APPELLEE'S ATTORNEY: _____ ( ) _____ <small>Address City State Zip Code Telephone Number</small>																																				
<b>III. APPELLANT IS THE TRIAL COURT:</b> <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other <b>IV. IS THIS A CROSS-APPEAL?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No																																				
<b>V. RELIEF AWARDED/REQUESTED:</b> please check the appropriate block (s): <b>A. <input type="checkbox"/></b> Monetary damages were either sought or awarded, as set out below: 1. Compensatory damages were: (a) <input type="checkbox"/> awarded in the amount of \$ _____; (b) <input type="checkbox"/> not awarded, but sought in the amount of \$ _____; (c) <input type="checkbox"/> sought, but not awarded - the amount sought was not specified in the complaint. 2. Punitive damages were: (a) <input type="checkbox"/> awarded in the amount of \$ _____; (b) <input type="checkbox"/> not awarded, but sought in the amount of \$ _____; (c) <input type="checkbox"/> sought, but not awarded - the amount sought was not specified in the complaint. 3. A general award of damages ( not differentiating between compensatory and punitive) was: (a) <input type="checkbox"/> made in the amount of \$ _____; (b) <input type="checkbox"/> not made, but sought in the amount of \$ _____; (c) <input type="checkbox"/> sought, but not made - the amount sought was not specified in the complaint. 4. Other monetary damages (Type: _____ ) were: (a) <input type="checkbox"/> awarded in the amount of \$ _____; (b) <input type="checkbox"/> not awarded, but sought in the amount of \$ _____; (c) <input type="checkbox"/> sought, but not awarded - the amount sought was not specified in the complaint. 5. Was there a remittitur or additur at issue in the trial court? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(if yes, please provide the details in the "FACTS" section on the back of this form)</i> <b>B. <input type="checkbox"/></b> Equitable and/or declaratory relief was sought in the trial court <b>C. <input type="checkbox"/></b> Other <i>(Please provide in the details of the issue(s) before the Court in the "ISSUES" section on the back of this form)</i>																																				
<b>VI. TYPE OF JUDGMENT OR ORDER APPEALED.</b> (Please check one) : A <input type="checkbox"/> Judgment based on a jury Verdict      D <input type="checkbox"/> Order granting a New Trial      G <input type="checkbox"/> Dismissal B <input type="checkbox"/> Judgment based on a Non-jury Decision      E <input type="checkbox"/> Judgment as a Matter of Law      H <input type="checkbox"/> Default Judgment C <input type="checkbox"/> Judgment Notwithstanding the Verdict (JNOV)      F <input type="checkbox"/> Summary Judgment      I <input type="checkbox"/> Other																																				
<b>VII. IF THE CASE WENT TO TRIAL, HOW MANY DAYS DID THE TRIAL TAKE?</b> _____																																				
<b>VIII. FINALITY OF JUDGMENT:</b> Date of entry of judgment or order appealed from: _____ <small>Month Day Year</small> 1. Is the judgment or order appealed from in compliance with rule 58, A.R.Civ.P.? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Does the order appealed from constitute a disposition of all claims as to all parties? <input type="checkbox"/> Yes <input type="checkbox"/> No 3. If not, did the trial court enter an order intended to make the order final pursuant to rule 54(b)? <input type="checkbox"/> Yes <input type="checkbox"/> No 4. If the trial court intended to make the order appealed from final pursuant to rule 54 (b), did the court in the Rule 54 (b) order expressly determine that there was no just reason for delay and expressly direct that final judgment be entered? <input type="checkbox"/> Yes <input type="checkbox"/> No 5. If the answer to question 2 is "NO" , and the trial court did not make the order final by full compliance with Rule 54(b), please explain the basis for seeking appellate review and cite the authority for this appeal: _____ _____																																				
<b>IX. POST-JUDGMENT MOTIONS:</b> List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rule 59.1, A.R.Civ.P.):																																				
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3">DATE OF FILING</th> <th rowspan="2">TYPE OF POST-JUDGMENT MOTION</th> <th colspan="3">DATE OF DISPOSITION</th> </tr> <tr> <th>Month</th> <th>Date</th> <th>Year</th> <th>Month</th> <th>Date</th> <th>Year</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION			Month	Date	Year	Month	Date	Year																					
DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION																																
Month	Date	Year		Month	Date	Year																														

Form ARAP-25 (back)	1/97	<b>DOCKETING STATEMENT Appeal to the Supreme Court of Alabama</b>	
<b>X. CONSTITUTIONAL ISSUES:</b>			
1. Are the provisions of Rule 44, A.R.App.P., applicable to this appeal?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. If so, have the provisions been complied with?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>XI. NATURE OF CASE ON APPEAL:</b> In the left column of boxes proceeding the categories listed below, check the box ( <u>check only one</u> ) that best describes or categorizes the basis or theory of the primary issue on appeal. In the right column of boxes, check any secondary theories that are applicable to the suit.			
<b>TORTS:</b>	10 <input type="checkbox"/> Real property	31 <input type="checkbox"/> Personal	44 <input type="checkbox"/> Declaratory judgment
01 <input type="checkbox"/> Bad Faith	11 <input type="checkbox"/> Wrongful Death (All Types)	32 <input type="checkbox"/> Pension	45 <input type="checkbox"/> Injunction (Commercial)
02 <input type="checkbox"/> Fraud	12 <input type="checkbox"/> Wantonness	33 <input type="checkbox"/> Insurance	46 <input type="checkbox"/> Injunction (Employment)
03 <input type="checkbox"/> Legal Malpractice	13 <input type="checkbox"/> Conversion	34 <input type="checkbox"/> Employment	47 <input type="checkbox"/> Injunction (Other)
04 <input type="checkbox"/> Medical Malpractice	14 <input type="checkbox"/> Wrongful Employ Termination	35 <input type="checkbox"/> Other: _____	48 <input type="checkbox"/> Extraordinary Writ
05 <input type="checkbox"/> Other Malpractice	15 <input type="checkbox"/> Premises Liability	<b>OTHER:</b>	49 <input type="checkbox"/> Pub. Service Comm
06 <input type="checkbox"/> Products/AEMLD	16 <input type="checkbox"/> Outrage	40 <input type="checkbox"/> Real Property	50 <input type="checkbox"/> RR/Seaman(FELA)
07 <input type="checkbox"/> Negligence (Vehicular)	29 <input type="checkbox"/> Other: _____	41 <input type="checkbox"/> Civ Rights (Prisoner)	51 <input type="checkbox"/> RICO
08 <input type="checkbox"/> Negligence (Gen./other)	<b>CONTRACTS</b>	42 <input type="checkbox"/> Civil Rights (Other)	99 <input type="checkbox"/> Other: _____
09 <input type="checkbox"/> Personal Property	30 <input type="checkbox"/> Commercial	43 <input type="checkbox"/> Wills/Trusts/ Estates	
<b>XII. APPELLATE REVIEW:</b> Please take notice that your case may be initially reviewed by the Court of Civil Appeals. Pursuant to § 12-2-7, <i>Code of Alabama 1975</i> , the Supreme Court has the authority to transfer any civil case within its jurisdiction to the court of Civil Appeals, except cases presenting a substantial question of federal or state constitutional law; cases involving a novel legal question, the resolution of which will have significant statewide impact; utility rate cases appealed pursuant to § 31-1-140, <i>Code of Alabama 1975</i> , bond validation cases appealed pursuant to § 6-6-754, <i>Code of Alabama 1975</i> , or Alabama State bar disciplinary proceedings.			
If you believe this case should not be transferred to the Court of Civil Appeals, please state with specificity the reason(s) why it should <u>not</u> be transferred, referring to pertinent sections of § 12-2-7. Reasons should be supported in the ISSUES and FACTS sections of this docketing statement.			
<b>XIII. ISSUES:</b> Briefly summarize the issue(s) on appeal.			
<b>XIV. FACTS:</b> without argument, briefly summarize the facts to inform the court of the nature of the case.			
Date _____		Signature of Attorney/Party Filing this Form _____	

State of Alabama Unified Judicial System  Form ARAP-1A      Rev. 8/91	<b>TRANSCRIPT PURCHASE ORDER          OF APPELLANT – CIVIL</b>  <i>(See Rules 10(b) and 11(a) of the Alabama Rules of Appellate Procedure)</i>	<b>Appellate Case Number</b> (To be filled in by appellate court)  _____										
<b>APPELLANT</b>  _____  <b>v. APPELLEE</b>  _____												
Civil Action Number _____	Trial Judge _____											
Court Reporter _____	County _____	Date of Notice of Appeal _____										
<b>PART I. TO BE COMPLETED AND FILED WITH THE COURT REPORTER BY APPELLANT WITHIN 7 DAYS OF THE FILING OF THE NOTICE OF APPEAL.</b> <b>A. Request is hereby made to the reporter for a transcript of the following proceedings (give particulars):</b> NOTE: exhibits are included in the clerk's record and need not be specified - see Rule 10 (b)(1), A.R.App.p. <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;"><input type="checkbox"/> Entire Transcript</td> <td style="width:50%; border: none;"><input type="checkbox"/> Oral Charges to the Jury</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Testimony of Plaintiff</td> <td style="border: none;"><input type="checkbox"/> Objection to Oral Charge</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Testimony of Defendant</td> <td style="border: none;"><input type="checkbox"/> Objection to Refused Requested Written Charge(s), Numbers _____</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Testimony of Witness _____</td> <td style="border: none;"><input type="checkbox"/> Others: _____</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Testimony of Witness _____</td> <td style="border: none;"></td> </tr> </table> NOTE: Unless the entire transcript is ordered, appellant must attach a statement of the issues to pages 4 and 5.  <b>B. I CERTIFY that I HAVE paid the Court Reporter the estimated cost of transcribing that part of the proceedings I have deemed necessary to be included in the record.</b>  Date _____      Signature _____      Telephone Number _____			<input type="checkbox"/> Entire Transcript	<input type="checkbox"/> Oral Charges to the Jury	<input type="checkbox"/> Testimony of Plaintiff	<input type="checkbox"/> Objection to Oral Charge	<input type="checkbox"/> Testimony of Defendant	<input type="checkbox"/> Objection to Refused Requested Written Charge(s), Numbers _____	<input type="checkbox"/> Testimony of Witness _____	<input type="checkbox"/> Others: _____	<input type="checkbox"/> Testimony of Witness _____	
<input type="checkbox"/> Entire Transcript	<input type="checkbox"/> Oral Charges to the Jury											
<input type="checkbox"/> Testimony of Plaintiff	<input type="checkbox"/> Objection to Oral Charge											
<input type="checkbox"/> Testimony of Defendant	<input type="checkbox"/> Objection to Refused Requested Written Charge(s), Numbers _____											
<input type="checkbox"/> Testimony of Witness _____	<input type="checkbox"/> Others: _____											
<input type="checkbox"/> Testimony of Witness _____												
NOTE: Upon Completion of PART I, appellant should distribute pages as follows:												
* Pages 1, 2 and 3 – Court Reporter	Page 4 – Trial Court	Pages 5 – Appellee	Pages 6 – Retained by appellant									
<b>PART II. TO BE COMPLETED BY COURT REPORTER ON SAME DATE TRANSCRIPT PURCHASE ORDER IS RECEIVED.</b>  <b>A.</b> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Date Transcript Purchase Order Received</td> <td style="width:50%;">Estimated Completion Date</td> </tr> <tr> <td>Estimated Number of Pages</td> <td>Estimated Cost</td> </tr> </table> <b>B. I CERTIFY THAT <input type="checkbox"/> I HAVE <input type="checkbox"/> I HAVE NOT (Check one) been paid the estimated cost of the transcript.</b>  Date _____      Signature _____      Telephone Number _____			Date Transcript Purchase Order Received	Estimated Completion Date	Estimated Number of Pages	Estimated Cost						
Date Transcript Purchase Order Received	Estimated Completion Date											
Estimated Number of Pages	Estimated Cost											
NOTE: Upon Completion of PART II, Court Reporter should distribute pages as follows:												
* Pages 1 and 2 – Retained by the Court Reporter	Pages 3 – Transmitted to the Appropriate Appellate Court on Same Date Transcript Purchase Order is Received.											
<b>PART III. CERTIFICATE OF COMPLETION OF REPORTER'S TRANSCRIPT</b> NOTE: This is to be completed by court reporter on date of filing of transcript in trial court. On the day of completion, this certificate must be forwarded to the appropriate appellate court (page 2) and copies thereof shall be served on the clerk of the trial court and each of the parties. I CERTIFY that I have this date completed and filled with the clerk of the trial court the original of a true and correct transcript of the evidence and matters designated by the parties. All pages are numbered serially in the upper right corner of the pages, prefaced by an index, and ending with the following number: _____ I CERTIFY that photocopies of this certificate are this date being served on the clerk of the trial court and each of the parties, along with a copy of the index (with copies of the transcript as ordered).  Dated this _____ day of _____, _____ <div style="text-align: right;">_____ Court Reporter</div>												
NOTE: Upon Completion of PART III, Court Reporter should distribute pages as follows:												
* Pages 1 - Retained by the Court Reporter	Pages 2 – Transmitted to the Appropriate Appellate Court											
* Distribution Code:	Page 1: White	Page 2: Blue	Page 3: Green	Page 4: Canary	Page 5: Pink	Page 6: Goldenrod						

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA**

Case No. \_\_\_\_\_

In the matter of the sworn petition filed with this Court by \_\_\_\_\_ for the involuntary commitment of \_\_\_\_\_ to the Alabama State Department of Mental Health:

**WRIT FOR BODY**

**INTERVIEW**

**TO: THE \_\_\_\_\_ COUNTY SHERIFF’S OFFICE,  
\_\_\_\_\_ COUNTY, ALABAMA, GREETINGS:**

You are hereby **ORDERED** to take into custody \_\_\_\_\_, a person alleged to be mentally ill (Respondent), and have \_\_\_\_\_ present before this Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_.m.

You are further **ORDERED** to serve said alleged with a copy of this writ and make due return to this Court stating the matter in which you have executed the same.

Done and **ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

Location of Respondent:

\_\_\_\_\_  
\_\_\_\_\_

Attachments:

- Notice (§ 22-52-3)
- Copy of petition to commit
- Other

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ )

Case No. \_\_\_\_\_ )

Respondent. \_\_\_\_\_ )

**EMERGENCY ORDER**

This cause came before the Court on \_\_\_\_\_, 20\_\_, on the petition filed by \_\_\_\_\_ (“Petitioner”) for the involuntary commitment of the above named Respondent (“Respondent”) into the custody of the Alabama Department of Mental Health and the request of the Petitioner for an emergency order confining the Respondent until such time as a probable cause hearing can be held, for the Respondent’s and/or the general public’s safety and well being. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute and Constitutional provisions. Upon due consideration of the sworn petition and motion and after meeting with the Respondent, the Court **FINDS, CONCLUDES, AND ORDERS** as follows:

1. The Respondent shall be detained and confined on an emergency basis at \_\_\_\_\_ (name of facility) until \_\_\_\_\_, 20\_\_ at \_\_\_\_\_, at which time a probable cause hearing shall be held.
2. The requirements of Ala. Code §§ 22-52-7 and 8 (1975) are applicable and have been met in this cause.
3. The \_\_\_\_\_ (name of facility) is AUTHORIZED to impose such limitations and/or treatment as may become necessary and appropriate to prevent the Respondent from doing substantial harm to self or to others, or to prevent Respondent from leaving the jurisdiction of the Court pending a final hearing on the merits of the petition.
4. The Sheriff of \_\_\_\_\_ County, Alabama, or his duly authorized deputy shall take the Respondent into custody and forthwith deliver the Respondent to the proper authorities at the \_\_\_\_\_ (name of facility).
5. All individuals, medical care providers, and others [including, but not limited to \_\_\_\_\_, \_\_\_\_\_ (names of facilities)] having custody or information [including, but not limited to, health history, any diagnosis, past or current treatment for any condition, prognosis relating to any past or current condition, behavioral or mental health services rendered in the past or currently being rendered] concerning the Respondent shall immediately provide to the \_\_\_\_\_ (name of facility) and the Guardian ad Litem any and all such information in their custody that may be requested.

6. Any medical information regarding the Respondent furnished to the \_\_\_\_\_ (name of facility) and the Guardian ad Litem pursuant to this Order shall: (1) remain in the custody of \_\_\_\_\_ (name of facility) and the Guardian ad Litem; (2) not be copied or distributed by \_\_\_\_\_ (name of facility) or the Guardian ad Litem, except for use in a court proceeding concerning the Respondent; and (3) destroyed after conclusion of this proceeding unless ordered otherwise by the Court.
  
7. In the event the Respondent escapes or elopes from the \_\_\_\_\_ (name of facility) while this Order is operative, the \_\_\_\_\_ (name of facility) shall immediately notify the Court, the City of \_\_\_\_\_ Police Department, and the \_\_\_\_\_ County Sheriff's Department of such event by telephone and facsimile and the \_\_\_\_\_ (name of facility) shall furnish to these law enforcement agencies a copy of this Order and other information that would aid in the recovery of the Respondent.
  
8. Notwithstanding any other provision stated herein, in the event the Respondent escapes or elopes from the \_\_\_\_\_ (name of facility) and is later located in a structure and the Respondent refuses to voluntarily surrender custody to a law enforcement officer present, no law enforcement officer shall attempt to gain entry to any premises where the Respondent may be located, without first obtaining further instructions or orders from this Court.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 \_\_\_\_\_, Judge of Probate

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA**

Case No. \_\_\_\_\_

In the matter of the sworn petition filed with this Court by \_\_\_\_\_ for the involuntary commitment of \_\_\_\_\_ to the Alabama State Department of Mental Health:

**ORDER FOR INTERVIEW AND/OR EVALUATION**

**TO: THE HONORABLE \_\_\_\_\_, SHERIFF OF \_\_\_\_\_ COUNTY, ALABAMA, GREETINGS:**

You are hereby **ORDERED** to take into custody \_\_\_\_\_, a person alleged to be mentally ill (Respondent), and deliver \_\_\_\_\_, to \_\_\_\_\_ (name of facility) for evaluation. Upon completion of such evaluation, you are to deliver \_\_\_\_\_ to the Probate Court on the \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_.m.

You are furthered **ORDERED** to serve said alleged with a copy of this writ and make due return to this Court stating the matter in which you have executed the same.

Done and **ORDERED** this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

Location of Respondent:

\_\_\_\_\_  
\_\_\_\_\_

Attachments:

- Notice (§ 22-52-3)
- Copy of petition to commit
- Other

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

\_\_\_\_\_, Case No. \_\_\_\_\_

Respondent

**PETITION FOR INVOLUNTARY COMMITMENT**

TO: \_\_\_\_\_, Judge of Probate

Comes petitioner \_\_\_\_\_, and respectfully represents unto your Honor that \_\_\_\_\_ is \_\_\_\_ years of age and a resident of \_\_\_\_\_ County, Alabama; residing at \_\_\_\_\_, but is temporarily residing at \_\_\_\_\_; that your petitioner has reason to believe that said person is mentally ill and as a consequence thereof poses a real and present threat of substantial harm to self and/or others; that such beliefs are based on specific behavior, acts, attempts, or threats, which are specified and described in detail as follows (please print):

- 1. (Date: \_\_\_\_\_) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 2. (Date: \_\_\_\_\_) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3. (Date: \_\_\_\_\_) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

that the following persons have knowledge of the said respondent's mental illness and above information and may be called as witnesses at a hearing on this matter:

(NAME)	(ADDRESS)
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

Your petitioner further states that the name(s) and addresses(es) of the respondent's spouse, attorney and next of kin, if known, are as follows:



(NAME)

(ADDRESS)

- 1. Spouse \_\_\_\_\_
- 2. Attorney \_\_\_\_\_
- 3. Next of Kin \_\_\_\_\_

Wherefore, petitioner prays that the Court will take jurisdiction of this matter; that a day be set for a hearing on this petition; that notice of the date, time, and place of the hearing be given to the respondent and that a Guardian ad Litem be appointed to represent him/her.

Petitioner further prays that a probable cause hearing be held to determine if said person should be confined pending a final hearing on the merits; and that upon such final hearing the Court will commit \_\_\_\_\_ to the custody of the Alabama Department of Mental Health for treatment.

Petitioner \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
 Telephone \_\_\_\_\_

Subscribed to and sworn before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Notary Public Commission Expires: \_\_\_\_\_

Attorney for petitioner: \_\_\_\_\_  
 \_\_\_\_\_

ADDITIONAL INFORMATION FOR COMMITMENTS

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Race: \_\_\_\_\_

Sex: \_\_\_\_\_

Marital Status: \_\_\_\_\_

INSURANCE

Medicaid \_\_\_\_\_

Medicare \_\_\_\_\_

Other \_\_\_\_\_

Name: \_\_\_\_\_

**(Note: Please attach to petition for commitment)**

IN RE THE MATTER OF: ) IN THE PROBATE COURT OF  
\_\_\_\_\_, ) \_\_\_\_\_ COUNTY, ALABAMA  
ALLEGED TO BE MENTALLY ILL ) CASE NO. \_\_\_\_\_

**ORDER OF CONTINUANCE**

This cause came before the Court on \_\_\_\_\_[date], for a probable cause hearing on the petition filed by \_\_\_\_\_[petitioner], for the involuntary commitment of the above named Respondent into the custody of the Alabama Department of Mental Health. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute and Constitutional provisions. Based upon a failed attempt by the Sheriff's deputies to locate the Respondent,

It is hereby **ORDERED, ADJUDGED, AND DECREED** that the probable cause hearing on the Petition be and is hereby continued. Said hearing shall be held at the Office of the Judge of Probate, \_\_\_\_\_[address] on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**DONE AND ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF: )

\_\_\_\_\_, )

CASE NO. \_\_\_\_\_

Alleged to be Incapacitated )

**ORDER SETTING FINAL HEARING ON THE MERITS**

This matter was brought before this Court on the Petition for Involuntary Commitment filed by \_\_\_\_\_, the Petitioner in this cause, for the commitment of the above named Respondent to the Alabama Department of Mental Health. Upon due consideration of said sworn Petition and in accordance with Ala. Code § 22-52-8 (1975),

It is hereby **ORDERED, ADJUDGED, AND DECREED** that a final hearing on the merits of said Petition be and is hereby set for the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. at the \_\_\_\_\_ [location].

**DONE AND ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**IN THE PROBATE COURT OF \_\_\_\_\_, COUNTY, ALABAMA**

**IN THE MATTER OF:** \_\_\_\_\_ )

\_\_\_\_\_ ) **CASE NO.** \_\_\_\_\_

**Alleged to be Incapacitated** \_\_\_\_\_ )

**ORDER FOR EVALUATION OF RESPONDENT**

This matter is before the Court on the Petition for Involuntary Commitment of the above named Respondent, as filed by \_\_\_\_\_. The Respondent is currently located at \_\_\_\_\_[location].

Upon due consideration of said Petition it is hereby **ORDERED, ADJUDGED, AND DECREED**, by this Court that a \_\_\_\_\_ counselor evaluate the Respondent by performing a mental status exam or other necessary evaluation. Said evaluation shall take place prior to the hearing set for the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.

It is further **ORDERED** that a written report of the findings shall be prepared and remitted to the \_\_\_\_\_ County Probate Court prior to the Court hearing.

**DONE** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 \_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ )

\_\_\_\_\_, )

CASE NO. \_\_\_\_\_

An Incapacitated Person )

**ORDER TO TRANSFER**

In accordance with an Order made by Honorable \_\_\_\_\_,  
Judge of Probate Court of \_\_\_\_\_ County, Alabama on the \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, the following \_\_\_\_\_ County Probate file as numbered above is hereby transferred  
to Honorable \_\_\_\_\_, Judge of Probate Court of \_\_\_\_\_ County, Alabama.

1. Order to Transfer
2. Petition for Involuntary Commitment
3. Order Appointing Attorney for Petitioner/Acceptance of Appointment
4. Order Appointing Guardian Ad Litem/Acceptance of Appointment
5. Notice to Respondent and Order Setting Probable Cause Hearing/Proof of Service
6. Probate Court Liaison Consult Form
7. Outpatient Order/Proof of Service

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

Received by \_\_\_\_\_, Judge of Probate, \_\_\_\_\_ County,  
Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**TO: The \_\_\_\_\_ COUNTY SHERIFF'S OFFICE,  
\_\_\_\_\_ COUNTY, ALABAMA, GREETINGS:**

You are hereby **COMMANDED** to serve a copy of this instrument on the party named and make due return to this Court stating the manner in which you have executed the same.

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA**

\_\_\_\_\_ Case No. \_\_\_\_\_  
Respondent

**NOTICE TO RESPONDENT**

To:

You are hereby notified:

1. That on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, \_\_\_\_\_ filed a petition in the Probate Court of \_\_\_\_\_ County, Alabama, alleging that you are mentally ill and that you should be committed to the custody of the Alabama State Department of Mental Health. A copy of that petition is attached to this Notice and is hereby made a part of this Notice as if set out in full herein.
2. That the Sheriff of \_\_\_\_\_ County, Alabama, has been ORDERED to take you into custody and to hold you until a hearing can be held to determine if there is probable cause to hold you for further action by this Court.
3. That a hearing has been set on the \_\_\_ day of \_\_\_\_, 20\_\_ at \_\_\_\_\_, in the Probate Court of \_\_\_\_\_ County, in \_\_\_\_\_, Alabama, to determine if there is sufficient evidence to support the allegations of the said petition, to hold you in custody until a final hearing.
4. That you have the right to be present at the said hearing unless the Court, after appropriate inquiry determines that you are so mentally or physically ill as to be incapable of attendance.
5. That you have the right to be represented by a lawyer of your own choosing and, if you are unable to afford a lawyer, the Court will appoint a lawyer to represent you.
6. That at the said hearing, you shall have the right to offer evidence, to be confronted with the witnesses against you and to cross-examine them, and you shall not be compelled to testify against yourself.
7. That upon a final hearing in this matter, the petition could be dismissed or denied, or you could be committed to outpatient or inpatient treatment at a state mental health facility or a designated mental health facility.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**IN THE PROBATE COURT OF \_\_\_\_\_, COUNTY, ALABAMA**

Case No. \_\_\_\_\_

In the matter of the sworn petition filed with this Court by \_\_\_\_\_ for the involuntary commitment of \_\_\_\_\_ to the Alabama State Department of Mental Health:

**WRIT FOR BODY**

**TO: THE \_\_\_\_\_ COUNTY SHERIFF'S OFFICE,  
\_\_\_\_\_ COUNTY, ALABAMA, GREETINGS:**

You are hereby ORDERED to take into custody \_\_\_\_\_, a person alleged to be mentally ill (Respondent), and have \_\_\_\_\_ present before this Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_.m.

You are further ORDERED to serve said alleged with a copy of this writ and make due return to this Court stating the matter in which you have executed the same.

Done and ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

Location of Respondent:

\_\_\_\_\_  
\_\_\_\_\_

Attachments:

- Notice (§ 22-52-3)
- Copy of petition to commit
- Other



**In Re: Petition for** : **STATE OF ALABAMA**  
**Commitment to the State** :  
**Department of Mental Health** : **COUNTY OF \_\_\_\_\_**  
  
\_\_\_\_\_ : **PROBATE COURT**  
**Respondent** :  
: **Case No. \_\_\_\_\_**

To: \_\_\_\_\_, Esq.

**ORDER**

**TAKE NOTICE** that you are hereby appointed Guardian ad Litem to represent \_\_\_\_\_, respondent, interested in the above captioned matter. Please be advised that a probable cause hearing has been set for \_\_\_\_\_.

**ORDERED AND DECREED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**ACCEPTANCE**

I, the undersigned, do hereby accept the above appointment and as such Guardian ad Litem do hereby deny the allegations contained in the petition filed and demand strict and legal proof in support of the same.

\_\_\_\_\_  
Guardian ad Litem for Alleged

**In Re: Petition for** : **STATE OF ALABAMA**  
**Commitment to the Alabama** : **COUNTY OF \_\_\_\_\_**  
**Department of Mental Health** : **PROBATE COURT**  
\_\_\_\_\_  
**Respondent** : **Case No. \_\_\_\_\_**

To: \_\_\_\_\_, Esq.

**ORDER**

**TAKE NOTICE** that you are hereby appointed Attorney to represent \_\_\_\_\_, the petitioner in the above captioned matter. Please be advised that a probable cause hearing has been set for \_\_\_\_\_.

**ORDERED AND DECREED** this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**ACCEPTANCE**

I, the undersigned, do hereby accept said appointment as above stated.

\_\_\_\_\_  
Attorney for Petitioner

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

Case No. \_\_\_\_\_

\_\_\_\_\_  
**Respondent**

**PETITION TO WAIVE PRESENCE**

The undersigned Guardian ad Litem representing \_\_\_\_\_, Respondent, does hereby most respectfully show unto the Court that due to the physical or mental health condition of said Respondent, it would not be in \_\_\_\_\_ best interest to be present at the hearing this day set; and the presence of said Respondent is hereby waived by the undersigned Guardian ad Litem, subject to the same being approved by the Court subsequent to an adversary hearing.

Dated this \_\_\_\_\_.

\_\_\_\_\_  
Guardian ad Litem

**ORDER**

An adversary hearing in this cause having now been held this date, the Court finds that the above referenced Respondent ( ) is or ( ) is not so mentally or physically ill as to be incapable of attending said proceedings. Based thereon, the petition to waive presence of Respondent at the hearing in this matter is due to be ( ) granted or ( ) denied; and it is so **ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA**

**IN THE MATTER OF** \_\_\_\_\_ )

**Case No.** \_\_\_\_\_ )

**Respondent** \_\_\_\_\_ )

\_\_\_\_\_, Attorney for Petitioner

\_\_\_\_\_, Attorney for Respondent

**ORDER OF PROBABLE CAUSE**

This cause came before the Court on \_\_\_\_\_, 20\_\_, for a probable cause hearing on the petition filed by \_\_\_\_\_ (“Petitioner”) for the involuntary commitment of the above named Respondent (“Respondent”) into the custody of the Alabama Department of Mental Health. This cause is properly before the Court pursuant to its jurisdiction and authority conferred by statute and Constitutional provisions. Appearances were as noted in the record. Upon due consideration of the testimony and evidence adduced, the Court FINDS, CONCLUDES AND ORDERS as follows:

1. Respondent poses a real and present threat of substantial harm to Respondent and/or members of the general public.

2. Probable cause exists to have the Respondent detained and confined at \_\_\_\_\_ (name of facility), located at \_\_\_\_\_, in \_\_\_\_\_, Alabama, for diagnosis and treatment necessary for evaluation until \_\_\_\_\_, 20\_\_, at \_\_\_\_ .m. at which time a hearing on the merits will be held.

3. The requested detention and confinement is appropriate under the circumstances and AUTHORIZED and DIRECTED.

4. Testimony at the hearing on the merits regarding the evaluation of the Respondent shall be provided by qualified personnel of the \_\_\_\_\_ (name of facility).

5. The requirements of Ala. Code §§ 22-52-7 and -8 (1975) are applicable and have been met in this cause.

6. The said \_\_\_\_\_ (name of facility) is AUTHORIZED to impose such limitations and/or treatment as may become necessary and appropriate to prevent the Respondent from doing substantial harm to self or to others, or to prevent Respondent from leaving the jurisdiction of the Court pending a final hearing on the merits of the petition.

7. The said \_\_\_\_\_ (name of facility) is AUTHORIZED and DIRECTED to conduct a drug screen on the Respondent upon the Respondent’s admission to

the \_\_\_\_\_ (name of facility), if the Respondent was not in a secure facility or medical facility immediately prior to the probable cause hearing.

8. All individuals, medical care providers, and others [including, but not limited to \_\_\_\_\_ (names of facilities)] having custody or information [including, but not limited to, health history, any diagnosis, past or current treatment for any condition, prognosis relating to any past or current condition, behavioral or mental health services rendered in the past or currently being rendered] concerning the Respondent shall immediately provide to the \_\_\_\_\_ (name of facility) and the Guardian ad Litem any and all such information in their custody that may be requested.

9. Any medical information regarding the Respondent furnished to the \_\_\_\_\_ (name of facility) and the Guardian ad Litem pursuant to this Order shall: (1) remain in the custody of the \_\_\_\_\_ (name of facility) and the Guardian ad Litem; (2) not be copied or distributed by the \_\_\_\_\_ (name of facility) or the Guardian ad Litem; except for use in a court proceeding concerning the Respondent; and (3) be destroyed after conclusion of this proceeding unless ordered otherwise by the Court.

10. The Sheriff of \_\_\_\_\_ County, or his duly authorized deputy shall take the Respondent into custody and forthwith deliver the Respondent to the proper authorities at the \_\_\_\_\_ (name of facility). On the date of the hearing on the merits the Sheriff of \_\_\_\_\_ County, Alabama or his authorized deputy shall take the Respondent into custody and deliver the Respondent before the Court at the appointed time.

11. In the event the Respondent escapes or elopes from the \_\_\_\_\_ (name of facility) while this Order is operative, the \_\_\_\_\_ (name of facility), shall immediately notify the Court, the City of \_\_\_\_\_ Police Department, and the \_\_\_\_\_ County Sheriff's Department of such event by telephone and facsimile and the \_\_\_\_\_ (name of facility) shall furnish to these law enforcement agencies a copy of this Order and other information that would aid in the recovery of the Respondent.

12. Notwithstanding any other provision stated herein, in the event the Respondent escapes or elopes from the \_\_\_\_\_ (name of facility) and is later located in a structure and the Respondent refuses to voluntarily surrender custody to a law enforcement officer present, no law enforcement officer shall attempt to gain entry to any premises where the Respondent may be located, without first obtaining further instructions or orders from this Court.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY**  
General Standing Order of Court

---

In re case number: \_\_\_\_\_

Name of Patient: \_\_\_\_\_

**ORDER**

In the referenced attached ruling, the Court has ordered certain further proceedings involving medical evaluation of \_\_\_\_\_ [“Respondent”], and based on same, the **COURT FINDS** that to expedite these proceedings to an early conclusion, all medical providers be and each are authorized to obtain any and all relevant personal health information concerning the said patient [respondent] in connection with the evaluation directed by the Court.

Accordingly, it is **ORDERED** by the Court that any medical provider to whom this order may be presented (including, but not limited to, \_\_\_\_\_ (names of facilities) (and physicians and others associated with them), the Alabama Department of Mental Health and Searcy Hospital and any other providers currently involved in the evaluation or treatment of the Respondent shall disclose to \_\_\_\_\_ (name of facility) all requested personal health information in its custody or under its control concerning the Respondent.

It is further **ORDERED** that any medical information regarding the Respondent furnished to the current provider pursuant to this order shall: (1) remain in the custody of the provider; (2) not be copied or distributed by the provider except for use in a court proceeding concerning the Respondent; (3) be destroyed after the conclusion of this proceeding unless directed otherwise by the Court.

This order is expressly given pursuant to the terms of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the regulations implementing its privacy policy provisions contained at 45 CFR Part 164 and related provisions.

Done this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

\_\_\_\_\_ : Case No. \_\_\_\_\_ N.S.  
Respondent

In Re: Petition for commitment as filed by \_\_\_\_\_

Probable Cause Hearing held on \_\_\_\_\_

**JOINT MOTION TO ADOPT AND RATIFY EVIDENCE  
AND TESTIMONY AT HEARING ON PROBABLE CAUSE**

Comes now said Petitioner, by and through counsel, together with and in conjunction with the said respondent. by and through counsel, and request this Honorable Court to adopt and ratify in the hearing on the merits of this case all of the evidence and testimony rendered in open Court and recorded therein during the probable cause hearing held on the date shown above.

The undersigned further requests that this motion be granted without a hearing, and agree that the Court may grant or deny this instant motion by endorsement upon the face of said motion the Court's ruling as opposed to the entry of a separate written order.

It is understood by and between the said parties herein joined that each of the parties respectively reserve the right to hereinafter introduce new, other, different and additional evidence and testimony herein during the hearing on the merits which may be admissible under the Laws of the State of Alabama.

The parties hereto further move this Honorable Court that in the event of an appeal in this matter all testimony and evidence of record taken in said probable cause hearing shall be set down as part of the transcript and record in this case and shall be submitted to the Alabama Court of Civil Appeals as if fully adduced during the hearing on the merits.

Dated this \_\_\_\_\_.

\_\_\_\_\_  
Attorney for Petitioner

\_\_\_\_\_  
Attorney/Guardian ad Litem for Respondent

**ORDER OF COURT**

It is hereby **ORDERED** that the above joint motion be and the same is hereby granted and further that said Motion shall be filed and made a matter of record in the above referenced case.

Dated this \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF )  
 )  
 )  
 )  
 )  
 Respondent )

Case No. \_\_\_\_\_

\_\_\_\_\_, Attorney for Petitioner  
\_\_\_\_\_, Attorney for Respondent

**ORDER OF OUTPATIENT COMMITMENT**

This cause came before the Court on \_\_\_\_\_, 20\_\_, for a hearing on the merits on the petition filed by \_\_\_\_\_ ("Petitioner") for the involuntary commitment of the above named Respondent ("Respondent") into the custody of the Alabama Department of Mental Health. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute and Constitutional provisions. Appearances were noted in the record. Upon due consideration of the testimony and evidence adduced, the Court FINDS, CONCLUDES AND ORDERS as follows:

1. Respondent is mentally ill.
2. Respondent will, if not treated, continue to suffer mental distress and will continue to experience deterioration of the ability to function independently.
3. Respondent is unable to make rational and informed decisions as to whether treatment for mental illness would be desirable.
4. Treatment is available for the mental illness diagnosed.
5. Outpatient commitment to a designated facility is appropriate and is the least restrictive alternative necessary and available for the treatment of Respondent's mental illness.
6. The Petition is GRANTED.
7. Respondent is hereby COMMITTED to outpatient treatment to be provided by \_\_\_\_\_ (name of facility) for treatment for a time period not to exceed 150 days, subject to renewal upon petition and hearing, with the condition that the Respondent shall follow the directions and treatment plan as established by the said designated mental health facility **and the Respondent shall obtain and complete treatment for the Respondent's co-occurring substance abuse condition.**



8. The costs of these proceedings, including a fee to the attorney for the Petitioner; a fee to the Guardian ad Litem, be taxed against \_\_\_\_\_, FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

9. \_\_\_\_\_ (name of facility) is ORDERED to IMMEDIATELY report the occurrence of material noncompliance with the treatment plan on the part of the Respondent to the Court.

10. The Court retains jurisdiction over this cause for such other proceedings and orders as may become appropriate.

11. The Clerk of the Court shall forward a copy of this Order to the Petitioner, Respondent, all legal counsel of record and \_\_\_\_\_ (name of facility).

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA**

**IN THE MATTER OF** )  
 )  
 ) **Case No.** \_\_\_\_\_  
 )  
 \_\_\_\_\_ )  
**Respondent** )

\_\_\_\_\_, Attorney for Petitioner  
\_\_\_\_\_, Attorney for Respondent

**ORDER OF INPATIENT COMMITMENT**

This cause came before the Court on \_\_\_\_\_, 20\_\_, for a hearing on the merits on the petition filed by \_\_\_\_\_ ("Petitioner") for the involuntary commitment of the above named Respondent ("Respondent") into the custody of the Alabama Department of Mental Health ("State"). This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute and Constitutional provisions. Appearances were as noted in the record. Upon due consideration of the testimony and evidence adduced, the Court FINDS, CONCLUDES AND ORDERS as follows:

1. Respondent is mentally ill and poses a real and present threat of substantial harm to Respondent and/or members of the general public.
2. Respondent will, if not treated, continue to suffer mental distress and will continue to experience deterioration of the ability to function independently.
3. Respondent is unable to make rational and informed decisions as to whether treatment for mental illness would be desirable.
4. Treatment is available for the mental illness diagnosed.
5. Inpatient commitment in the custody of the State is the least restrictive alternative necessary and available for the treatment of Respondent's mental illness.
6. The Petition is GRANTED.
7. Respondent is hereby COMMITTED to the custody of the State, \_\_\_\_\_ (name of facility), or its designated mental health facility, for treatment for a time period not to exceed 150 days, subject to renewal upon petition and hearing and further subject to the provisions of this Order.
8. [Choose one of the following alternatives]:

If, after treatment has been initiated and before this Order has expired by its express terms, the State or its designated mental health facility, shall determine that it is no longer necessary for the Respondent to be treated on an inpatient basis, then the State or its designated mental health facility shall assess whether the Respondent would benefit from court-supervised outpatient treatment upon discharge. If the State or its designated mental health facility shall determine that the same is desirable and in the Respondent's best interests, the State or its designated mental health facility shall file a motion with the Court at least ten (10) days prior to the Respondent's proposed discharge date or expiration of this Order (whichever shall occur first) and the Respondent shall remain in the custody of the State or its designated mental health facility, until the Court can conduct a hearing on said recommendation. OR

If, after treatment has been initiated and before this Order has expired by its express terms, the State or its designated mental health facility, shall determine that it is no longer necessary for the Respondent to be treated on an inpatient basis, then the State or its designated mental health facility shall notify the Honorable \_\_\_\_\_, Clerk of the Circuit Court of \_\_\_\_\_ County, the \_\_\_\_\_ County District Attorney's Office, the Honorable \_\_\_\_\_, Warden of the \_\_\_\_\_ Metro Jail, and the Probate Court of \_\_\_\_\_ County, Alabama, in writing at least 5 days before any expected discharge. When the Respondent meets the discharge criteria at \_\_\_\_\_ (name of facility), he/she is to be transported to the \_\_\_\_\_ County Metro Jail.

9. The Sheriff of \_\_\_\_\_ County, Alabama or his duly authorized deputy shall take the Respondent and forthwith deliver the Respondent to the proper authorities of the State at \_\_\_\_\_ (name of facility) or its designated mental health facility.

10. \_\_\_\_\_ (name of facility) shall immediately furnish to the State at \_\_\_\_\_ (name of facility) or its designated mental health facility copies of any and all records regarding the Respondent.

11. The costs of these proceedings, including a fee to the attorney for the Petitioner and a fee to the Guardian ad Litem, be taxed against \_\_\_\_\_, FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

12. The Court retains jurisdiction over this cause for such other proceedings and orders as may become appropriate.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_, COUNTY, ALABAMA

IN THE MATTER OF

)  
)  
)  
)

Case No. \_\_\_\_\_

\_\_\_\_\_,  
**Respondent.**

\_\_\_\_\_, Attorney for Petitioner  
\_\_\_\_\_, Attorney for Respondent

**ORDER OF DISMISSAL**

This cause came before the Court on \_\_\_\_\_, 20\_\_\_\_, for a hearing on the merits on the petition filed by \_\_\_\_\_ ("Petitioner") for the involuntary commitment of the above named Respondent ("Respondent") into the custody of the Alabama Department of Mental Health. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute and Constitutional provisions. Appearances were as noted in the record. Upon motion made by \_\_\_\_\_, to dismiss this cause and due consideration of the testimony and evidence adduced, the Court FINDS and concludes that dismissal is appropriate and the Court ORDERS as follows:

1. The petition filed by \_\_\_\_\_ is DISMISSED WITHOUT PREJUDICE.
2. The costs of these proceedings, including a fee to the attorney for the Petitioner and a fee to the Guardian ad Litem, be taxed against \_\_\_\_\_, FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.
3. The Sheriff of \_\_\_\_\_ County, Alabama or his duly authorized deputy shall take the Respondent and forthwith return the Respondent to \_\_\_\_\_.

Dated: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

\_\_\_\_\_,  
**Respondent**

Case No. \_\_\_\_\_

**ORDER DIRECTING INDEPENDENT MENTAL EXAMINATION**

For due cause now shown, it is **ORDERED** by the Court that the motion for independent mental examination be granted and that \_\_\_\_\_, a person qualified by training and experience, be and is hereby appointed to examine and evaluate the said Respondent and review any and all hospital records maintained on the Respondent as may be necessary.

It is further **ORDERED** by the Court that said \_\_\_\_\_ appear at next hearing in this matter as set herein and offer testimony as to \_\_\_\_\_ findings and recommendations regarding the mental condition of said Respondent and in particular the need for continued inpatient commitment.

It is further **ORDERED** by the Court that said \_\_\_\_\_ shall be allowed reasonable compensation for the professional services rendered in this matter, the same to be first approved by the Court, and taxed as costs.

Done this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

Copies mailed to:

Attorney of Record  
Guardian ad Litem  
Hospital Director  
Doctor \_\_\_\_\_

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ ) Case No. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, )  
Respondent )

**ORDER**

This cause came before the Court on \_\_\_\_\_ regarding the involuntary commitment of \_\_\_\_\_, Respondent ("Respondent"). This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute and Constitutional provisions. Appearances were noted in the record. Based on the testimony and evidence presented, the Court ORDERS as follows:

1. \_\_\_\_\_ ("Dr. \_\_\_\_\_"), is APPOINTED to examine and evaluate the Respondent and make a recommendation to the Court as to whether the Respondent requires further treatment for mental illness and whether said treatment should be ordered by the Court.
2. \_\_\_\_\_ shall be permitted access to all information maintained at \_\_\_\_\_ (name of facility), owned and operated by \_\_\_\_\_, including doctors' orders, doctors' comments, nurses' comments and administered medication records electronically stored at \_\_\_\_\_ (name of facility), written documentation and records [including, but not limited to, health history, any diagnosis, past or current treatment for any condition, prognosis relating to any past or current condition, behavioral or mental health services rendered in the past or currently being rendered] concerning the Respondent in the possession of \_\_\_\_\_ (names of facilities). Further, personnel of \_\_\_\_\_ (name of facility) are AUTHORIZED and DIRECTED to speak with \_\_\_\_\_, if requested, concerning the Respondent and the Respondent's current and/or past treatment and care.
3. Any medical information regarding the Respondent furnished to \_\_\_\_\_ shall: (1) remain in the custody of \_\_\_\_\_; (2) not be copied or distributed by \_\_\_\_\_ except for use in a court proceeding concerning the Respondent; and (3) be destroyed after conclusion of this proceeding unless ordered otherwise by the court.
4. This order is expressly given pursuant to the terms of the Health Insurance Portability and Accountability Act of 1996 (HIPPA) and the regulations implementing its privacy policy provisions contained at 45 CFR Part 164 and

related provisions.

5. The Clerk of the Court shall forward a copy of this Order by facsimile to \_\_\_\_\_ and \_\_\_\_\_ (name of facility).

Dated: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**PETITION**

**IN THE MATTER OF THE )  
HEARING ON THE )  
COMPETENCY OF \_\_\_\_\_ )**

**IN THE PROBATE COURT  
FOR \_\_\_\_\_  
COUNTY, ALABAMA  
CASE NO. \_\_\_\_\_**

**TO THE HONORABLE \_\_\_\_\_, JUDGE OF PROBATE IN AND  
FOR \_\_\_\_\_ COUNTY, ALABAMA**

Now come your Petitioner and respectfully shows unto this Honorable Court the following facts as to a basis for the relief hereinafter prayed, to-wit:

1. That Petitioner \_\_\_\_\_ is a resident of the County of \_\_\_\_\_, State of Alabama, and over 19 years of age; that Petitioner is a \_\_\_\_\_ by marriage of the alleged incompetent; the alleged incompetent having no children surviving him/her.

2. That \_\_\_\_\_, who resides at \_\_\_\_\_, \_\_\_\_\_, Alabama in the County of \_\_\_\_\_, State of Alabama, is a male/female of \_\_\_ years, who is distracted in his/her mind by a reason of old age, disease, and feebleness of mind that he/she is incapable, unassisted, to properly manage and take care of himself/herself or his/her property, and that it would be to his/her best interest that a guardian be appointed to manage his/her property.

3. Your petitioner further alleges that Dr. \_\_\_\_\_, a psychiatrist attending \_\_\_\_\_, should be subpoenaed for the hearing to be held on this petition, or in the alternative, this Court should enter an order permitting him to respond in writing to any such subpoena.

4. Your petitioner further shows unto the Court that \_\_\_\_\_ is a qualified person to act as the guardian of the said \_\_\_\_\_.

THE PREMISES CONSIDERED, your petitioner prays that this Honorable Court will take jurisdiction of this petition for the appointment of a guardian for the property of the said \_\_\_\_\_, will appoint a date for the hearing thereof, and if the said \_\_\_\_\_ is not represented by counsel, will appoint a guardian ad litem to represent and defend him/her; that a subpoena be issued to Dr. \_\_\_\_\_ requiring him to attend in person the hearing to be held on this petition or, in the alternative, to respond in writing with his opinion as to the mental competency of \_\_\_\_\_, and that upon a hearing of this petition, this Court will make and enter a decree declaring the said \_\_\_\_\_ to be a person of unsound mind and will commit the custody of his/her property to a guardian to be appointed by this Court and that the said petitioner, \_\_\_\_\_, hereinabove named petitioner be appointed as guardian.



And petitioner prays for such other and further relief, general or special, to which they may be entitled or to the Court may seem proper.

\_\_\_\_\_  
Petitioner

STATE OF ALABAMA )

COUNTY OF \_\_\_\_\_ )

Personally appeared before me, the undersigned authority in and for said State and County, \_\_\_\_\_, who being by me first duly sworn, doth depose and say that the statements contained in the foregoing Petition are true and correct.

Subscribed and sworn to before me on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Petitioner

**ORDER**

**IN THE MATTER OF THE )  
HEARING ON THE )  
COMPETENCY OF \_\_\_\_\_ )**

**IN THE PROBATE COURT FOR  
\_\_\_\_\_ COUNTY,  
ALABAMA.**

**CASE NO.:** \_\_\_\_\_

This day came \_\_\_\_\_ and filed his/her petition in due form and under oath, alleging that \_\_\_\_\_, who is a citizen and resident of this County, having an estate herein; that the said \_\_\_\_\_ is incompetent and incapable of governing himself/herself or of conducting or managing his/her affairs; that the said \_\_\_\_\_ is of the male/female approximately \_\_\_\_\_ years of age, and that he/she resides in \_\_\_\_\_ County, Alabama; and further averring that petitioner believes from his/her conduct and statements that it will be to his/her best interest that a Guardian be appointed to manage his/her property; and praying the Court to take jurisdiction of the matter to appoint a day for the hearing thereof , to appoint a Guardian ad Litem for the said \_\_\_\_\_, to have due inquiry and determination as to the trust of the allegations of said petition , and asking that \_\_\_\_\_ be appointed as Guardian of the said \_\_\_\_\_.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m. be appointed a day for the hearing of said petition; that a jury be drawn as by law directed and that a writ be issued to the Sheriff of said County to take said \_\_\_\_\_, alleged to be incompetent, into his custody, and, if consistent with his/her health or safety, have him/her present at the place of trial.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT \_\_\_\_\_, an attorney at law, be, and he/she is hereby, appointed Guardian ad Litem to represent said \_\_\_\_\_, alleged to be incompetent, at the hearing of said petition, it appearing to the Court that the said \_\_\_\_\_ does not have counsel to represent him/her in said hearing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a subpoena be issued from this Court to Dr. \_\_\_\_\_, whose address is \_\_\_\_\_, \_\_\_\_\_, Alabama, which said subpoena shall command him/her to appear in person before this Court on the day and at the time as set forth hereinabove for the purpose of testifying as to the mental competency of \_\_\_\_\_, however as an alternative to personally appearing at the hearing, Dr. \_\_\_\_\_ may respond with a letter addressed to this Court which letter shall set forth his/her opinion, based on his/her treatment and care of \_\_\_\_\_, as to the mental competency of \_\_\_\_\_ together with sufficient facts to support his/her opinion.

ORDERED on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge of Probate

\_\_\_\_\_  
\_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF THE )  
HEARING ON THE )  
COMPETENCY OF \_\_\_\_\_ )

IN THE PROBATE COURT FOR  
\_\_\_\_\_ COUNTY,  
ALABAMA.

CASE NO.: \_\_\_\_\_

**NOTICE OF APPOINTMENT**

IT IS ORDERED, ADJUDGED AND DECREED by the Court that \_\_\_\_\_ be, and he/she hereby is, appointed as Guardian ad Litem to represent and protect the interests of \_\_\_\_\_ alleged to be incompetent, in this proceeding, and that the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has been appointed to hear said cause.

\_\_\_\_\_  
Probate Judge

**ACCEPTANCE OF APPOINTMENT**

Now comes \_\_\_\_\_, an attorney at law, duly and legally licensed as such, and accepts said appointment and consents to act as the Guardian ad Litem of \_\_\_\_\_, alleged to be incompetent, and to represent and protect him/her interests in this proceeding; and denies the allegations of said petition and demands strict proof thereof.

\_\_\_\_\_  
Guardian ad Litem for \_\_\_\_\_  
alleged to be of unsound mind.

<b>IN THE MATTER OF THE</b> <b>HEARING ON THE</b> <b>COMPETENCY OF</b> _____	) ) ) )	<b>IN THE PROBATE COURT</b> <b>OF _____ COUNTY</b> <b>ALABAMA</b> <b>CASE NO.:</b> _____
---	------------------	---

**ORDER TO SHERIFF TO TAKE CUSTODY**

WHEREAS, \_\_\_\_\_, as \_\_\_\_\_ by marriage of \_\_\_\_\_, has on this day filed his/her petition with the Judge of this Court, alleging that the said \_\_\_\_\_ is incompetent, is over the age of 19 years, resides in this County, and praying that a hearing may be had in due form of law to try the truth of the allegations as to whether the said \_\_\_\_\_ is capable of governing himself/herself or conducting or managing his/her affairs; and,

WHEREAS, the Judge of the Court has, by an order made and entered in this cause, appointed the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock, \_\_\_\_m., as the day for the hearing of this said petition, and for the due trial thereof.

You are hereby required to take the body of the said \_\_\_\_\_ and, if consistent with his/her health or safety, have his/her in Court to be present at the place of the trial and before the jury then to be empaneled to make said determination, and have you then and there this writ with your return thereon.

Given under my hand this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Judge of Probate of \_\_\_\_\_ County, Alabama

**SHERIFF'S RETURN**

It not being consistent with the health and safety of the said \_\_\_\_\_  
alleged to be incompetent, I have not taken him/her into custody and do not have him/her present  
at the place of trial.

DATED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, SHERIFF  
BY: \_\_\_\_\_  
Deputy Sheriff

IN THE MATTER OF THE )  
HEARING ON THE )  
COMPETENCY OF \_\_\_\_\_ )

IN THE PROBATE COURT  
FOR \_\_\_\_\_ COUNTY,  
ALABAMA.

CASE NO.: \_\_\_\_\_

**ORDER TO SUMMONS JURY**

TO THE SHERIFF OF \_\_\_\_\_ COUNTY, ALABAMA,  
GREETINGS:

WHEREAS, \_\_\_\_\_ as \_\_\_\_\_ by marriage of \_\_\_\_\_, did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, file in the office of the Judge of Probate of said County, a petition to have \_\_\_\_\_, a citizen and resident of said County over the age of Nineteen years, declared incompetent, and praying that a hearing of competency may be had in due form of law, and whereas, said Probate Court of said County did set the hearing of said petition for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., now therefore,

You are directed and commanded to summon six disinterested persons of the neighborhood where the said \_\_\_\_\_ resides, to appear before this Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to serve as jurors for the hearing of the issues raised in said petition, herein fail not, and have you return showing how you have executed this writ.

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

**SHERIFF'S RETURN**

In compliance with the mandate of the above writ, I have summoned the following disinterested persons of the neighborhood to serve as jurors for a hearing in competency for

\_\_\_\_\_.

	<u>NAME</u>	<u>ADDRESS</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

\_\_\_\_\_, SHERIFF

BY \_\_\_\_\_  
Deputy Sheriff



IN THE MATTER OF HEARING )  
ON THE COMPETENCY OF )  
\_\_\_\_\_ )

IN THE PROBATE  
COURT FOR \_\_\_\_\_  
COUNTY, ALABAMA  
CASE NO.: \_\_\_\_\_

**OATH OF JURY**

You do solemnly swear that you will well and truly make inquiry of the facts alleged in the petition questioning the sanity of \_\_\_\_\_, and a true verdict render according to the evidence. So help you God.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

IN THE MATTER OF ) IN THE PROBATE COURT FOR  
THE HEARING ON ) \_\_\_\_\_ COUNTY, ALABAMA  
THE COMPETENCY ) CASE NO.: \_\_\_\_\_  
OF \_\_\_\_\_ )

**JURY VERDICT**

We, the jury, find from the evidence that the facts alleged in the petition are true, and that  
\_\_\_\_\_ is an incompetent person.

\_\_\_\_\_  
Foreman of the Jury

IN THE MATTER OF THE )  
HEARING ON THE )  
COMPETENCY OF \_\_\_\_\_)

IN THE PROBATE COURT FOR  
\_\_\_\_\_ COUNTY,  
ALABAMA.

CASE NO.: \_\_\_\_\_

**DECREE**

This cause coming to be heard before this Honorable Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Petitioner placing sufficient evidence before this Court by oral testimony by Dr. \_\_\_\_\_ and \_\_\_\_\_; the alleged incompetent being represented by \_\_\_\_\_, an Attorney at Law, as Guardian ad Litem of \_\_\_\_\_; that said hearing was before a properly qualified jury of six, being summoned by the Sheriff of \_\_\_\_\_ County, Alabama: and the jurors having heard the testimony, and having deliberated the issue, did return a verdict "We, the jury, find from the evidence that the facts alleged in the petition are true, and that \_\_\_\_\_ is an incompetent person."

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that \_\_\_\_\_ being an incompetent person under the laws of the State of Alabama and that upon proper application by a responsible and qualified party this Court shall appoint a Guardian to serve in the interest of and over the estate of said \_\_\_\_\_, incompetent.

Done this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

\_\_\_\_\_, Case No. \_\_\_\_\_  
**Respondent**

**MOTION TO REVOKE OUTPATIENT COMMITMENT**

To: \_\_\_\_\_, Judge of Probate

Comes now your movant, \_\_\_\_\_, and reports to the Court that the above named respondent was committed to said facility for outpatient treatment on \_\_\_\_\_ is now in noncompliance with said order as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Based on the foregoing, your movant respectfully requests that the Court revoke said outpatient commitment, after conducting such hearings with notice as appropriate, and make further orders regarding the commitment of said respondent as may be found proper. Your movant prays for such other and different relief, the premises considered.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Movant's Signature

Subscribed to and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
Commission Expires: \_\_\_\_\_

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ )

CASE No. \_\_\_\_\_ )

Respondent. \_\_\_\_\_ )

\_\_\_\_\_, Attorney for Petitioner

\_\_\_\_\_, Attorney for Respondent

**ORDER TERMINATING OUTPATIENT COMMITMENT AND DIRECTING INPATIENT COMMITMENT**

This cause came before the Court on \_\_\_\_\_, 20\_\_\_, for a hearing on the merits on the motion filed by \_\_\_\_\_ (“Movant”) to revoke the outpatient commitment of the above named Respondent (“Respondent”) and to direct inpatient commitment of the Respondent in the custody of the Alabama Department of Mental Health. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute and Constitutional provisions. Appearances were as noted in the record. Upon due consideration of the testimony and evidence adduced, the Court FINDS, CONCLUDES AND ORDERS as follows:

1. The Court ordered outpatient commitment of the Respondent for mental illness on \_\_\_\_\_, 20\_\_\_.
2. Respondent is mentally ill and poses a real and present threat of substantial harm to Respondent and/or members of the general public.
3. Respondent will, if not treated, continue to suffer mental distress and will continue to experience deterioration of the ability to function independently.
4. Respondent is unable to make rational and informed decisions as to whether treatment for mental illness would be desirable.
5. Treatment is available for the mental illness diagnosed.
6. Inpatient commitment in the custody of the Alabama Department of Mental Health, or its designated mental healthy facility, is the least restrictive alternative necessary and available for the treatment of Respondent’s mental illness.
7. The Motion is GRANTED. The Court’s \_\_\_\_\_ Order specifying outpatient commitment is VACATED and SET ASIDE.
8. Respondent is hereby COMMITTED to the custody of the Alabama Department of Mental Health, \_\_\_\_\_ (name of facility), or its designated mental health facility for treatment until \_\_\_\_\_, subject to renewal upon petition and hearing.
9. If, after treatment has been initiated and before this Order has expired by its express terms, the State or its designated mental health facility, shall determine that it is no longer necessary for the Respondent to be treated on an inpatient basis, then the State or its designated mental health facility shall assess whether the Respondent would benefit from court-supervised outpatient treatment upon discharge. If the

State or its designated mental health facility shall determine that the same is desirable and in the Respondent's best interests, the State or its designated mental health facility shall file a motion with the Court at least ten (10) days prior to the Respondent's proposed discharge date or expiration of this Order (whichever shall occur first) and the Respondent shall remain in the custody of the State or its designated mental health facility, until the Court can conduct a hearing on said recommendation.

- 10. The Sheriff of \_\_\_\_\_ County, Alabama or his duly authorized deputy shall take the Respondent and forthwith deliver the Respondent to the proper authorities of the Alabama Department of Mental Health at \_\_\_\_\_ (name of facility) or its designated mental health facility.
- 11. \_\_\_\_\_ (name of facility) shall immediately furnish to the Alabama Department of Mental Health at \_\_\_\_\_ (name of facility) or its designated mental health facility copies of any and all records regarding the Respondent.
- 12. The costs of these proceedings, including a fee to the attorney for the Petitioner and a fee to the Guardian ad Litem be taxed against \_\_\_\_\_, FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.
- 13. The Court retains jurisdiction over this cause for such other proceedings and orders as may become appropriate.

Dated: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

\_\_\_\_\_  
**Respondent**

**ORDER TERMINATING OUTPATIENT COMMITMENT  
AND DIRECTING INPATIENT COMMITMENT  
(ALTERNATIVE FORM)**

This cause is before the Court on the Motion to Revoke Outpatient Commitment for \_\_\_\_\_ is filed by \_\_\_\_\_; and it now appears that said matter is properly before the Court, that notice has been perfected; that the said \_\_\_\_\_ is represented \_\_\_\_\_, Esq., as Guardian ad Litem; and that \_\_\_\_\_, petitioner, is represented by \_\_\_\_\_, Esq.

It further appears to the Court that the said respondent was committed to outpatient treatment on to-wit the \_\_\_\_ day of \_\_\_\_\_; and

The Court finds from clear and convincing evidence adduced in open hearing; that the respondent is in material non-compliance with this Court's order for inpatient commitment; that the respondent is mentally ill; that as a result of the mental illness, the respondent will, if not treated, continue to suffer mental distress and will continue to experience deterioration of the ability to function independently; that the respondent is unable to make a rational informed decision as to whether treatment for the mental illness would be desirable; that the respondent poses a real and present threat of substantial harm to \_\_\_\_\_; that inpatient commitment to the Alabama Department of Mental Health or its designated facility is the least restrictive alternative necessary and available for the treatment of the person's mental illness; and accordingly, said motion is due to be granted; and

It is therefore **ORDERED** by the Court that \_\_\_\_\_, respondent, be and is hereby committed to the Alabama Department of Mental Health, \_\_\_\_\_, for treatment of \_\_\_\_\_ mental illness for a period not to exceed 150 days, subject to renewal if found appropriate upon petition and proceedings; that a copy of all medical records pertaining to the treatment of said person at \_\_\_\_\_, be forwarded to said state hospital with said patient; and that the Sheriff of

\_\_\_\_\_ County shall forthwith take into custody said mentally ill person and deliver \_\_\_\_\_ to the proper authorities at \_\_\_\_\_. Costs of this proceeding, including a fee to the attorney for the petitioner in the sum of \$\_\_\_\_\_ and a fee to the Guardian ad litem in the sum of \$\_\_\_\_\_ are taxed to \_\_\_\_\_, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

The Court retains jurisdiction over this matter for such other proceedings and orders as may be appropriate.

Done and **ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate



IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

\_\_\_\_\_,  
Respondent

Case No. \_\_\_\_\_

**ORDER SETTING PETITION TO RENEW  
INPATIENT COMMITMENT**

This day came \_\_\_\_\_, as the designee of the \_\_\_\_\_ (name of facility) and filed with this Court a petition to renew the inpatient commitment of the above named respondent to the State Department of Mental Health; and on consideration thereof, it is **ORDERED** by the Court as follows:

1. That said petition be filed and made a matter of record;
2. That a hearing on the said petition be and the same is hereby set for \_\_\_\_\_, 20\_\_, \_\_.m. at \_\_\_\_\_ (name of facility);
3. That written notice of this proceeding be given to the Respondent forthwith by the Sheriff of \_\_\_\_\_ County; and that further notice be given to the said Petitioner by copy of this order; and
4. That \_\_\_\_\_, Esq., a person learned in the law, be and is hereby appointed as Guardian ad Litem to represent and protect the interest of said Respondent in these proceedings, of which appointment, the said Guardian ad Litem shall receive notice.

It is further **ORDERED** by the Court that \_\_\_\_\_, Esq., who has been appointed as a special judge of probate for this type proceeding, be and is hereby assigned to this case.

**DONE** this \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**In Re: Petition for** : **STATE OF ALABAMA**  
**Recommitment to the State** :  
**Department of Mental Health** : **COUNTY OF \_\_\_\_\_**  
\_\_\_\_\_, : **PROBATE COURT**  
**Respondent** :  
: **Case No. \_\_\_\_\_**

TO: \_\_\_\_\_, Esq.

**ORDER**

**TAKE NOTICE** that you are hereby appointed Guardian ad Litem to represent \_\_\_\_\_, Respondent, interested in the above captioned matter. Please be advised that a hearing has been set for \_\_\_\_\_ at \_\_\_\_\_ (name of facility).

It is **ORDERED** that said Guardian ad Litem shall have supervised access to any and all hospital records maintained on the respondent, and should said Guardian ad Litem require copies of said records, or parts thereof, the same may be obtained under such conditions and at such times as may be reasonably established by the director of the hospital.

**ORDERED AND DECREED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**ACCEPTANCE**

I, the undersigned, do hereby accept the above appointment and as such Guardian ad Litem do hereby deny the allegations contained in the petition filed and demand strict and legal proof in support of the same.

\_\_\_\_\_  
Guardian ad Litem for Alleged

**PROBATE COURT OF \_\_\_\_\_ COUNTY**  
**Address**  
**Phone Number**

**MEMO**

TO: Probate Judge of \_\_\_\_\_ County

FROM: \_\_\_\_\_, Probate Judge of \_\_\_\_\_ County

DATE: \_\_\_\_\_

In re: Renewal of Commitment Hearing

Respondent:  
Case No.:  
Date:  
Time:  
Place:

The above named respondent was heretofore committed by your Court to the Alabama Department of Mental Health. Pursuant to Act 91-440, a Petition to Renew Inpatient Commitment has been filed with this court and has been set for hearing at the mental health facility as noted above.

In accordance with said act, I have assigned this case to a special judge of probate pending notification from you as to whether you will elect to hear said matter. In that regard, it is most respectfully requested that you notify this office of your decision within five (5) days of receipt of this memo. Please indicate same at the bottom of this page and return.

Thank you for your assistance in this matter and please let us know if you have any questions.

-----

**RESPONSE**

- I will preside over said matter as noted above.
- I will not preside over said matter as noted above.

\_\_\_\_\_  
Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

\_\_\_\_\_,  
Respondent

Case No. \_\_\_\_\_

**ORDER APPOINTING SPECIAL JUDGES OF PROBATE**

Pursuant to the authority granted to the undersigned by Alabama Code § 22-52-10.6, and for due cause now appearing, it is **ORDERED** that

are each appointed as a Special Judge of Probate to hear and enter appropriate orders with regard to Petitions for Renewal of Inpatient Commitment as may be assigned.

It is further **ORDERED** by the Court, and in accordance with said code section, that compensation in the sum of \$100.00 per case is hereby set for the services of a special judge of probate, the same to be taxed as costs in each proceeding.

Done this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ )  
 )  
 \_\_\_\_\_, )  
 Respondent. )

Case No. \_\_\_\_\_

\_\_\_\_\_, Attorney for Petitioner  
\_\_\_\_\_, Attorney for Respondent

**ORDER OF DISMISSAL**

This cause came before the Court on \_\_\_\_\_, 20\_\_, for a hearing on the Petition to Renew Inpatient Commitment filed by \_\_\_\_\_, as designee of the Alabama Department of Mental Health and the \_\_\_\_\_ (“Petitioner”) regarding the above named Respondent (“Respondent”). This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute and Constitutional provisions. Appearances were as noted in the record. Upon motion made by \_\_\_\_\_, to dismiss this cause and due consideration of the testimony and evidence adduced, the Court **FINDS** and concludes that dismissal is appropriate and the Court **ORDERS** as follows:

1. The petition to renew inpatient commitment filed by \_\_\_\_\_, is **DISMISSED WITHOUT PREJUDICE**.
2. The costs of these proceedings, including a fee to the Guardian ad Litem, are taxed against the State of Alabama General Fund, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE**.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Special Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ )  
 )  
\_\_\_\_\_, )  
**Respondent.** )

Case No. \_\_\_\_\_

\_\_\_\_\_, Attorney for Petitioner  
\_\_\_\_\_, Attorney for Respondent

**ORDER RENEWING INPATIENT COMMITMENT**

This cause came before the Court on \_\_\_\_\_, 20\_\_\_, for a hearing on the Petition to Renew Inpatient Commitment filed by \_\_\_\_\_, as designee of the Alabama Department of Mental Health and the \_\_\_\_\_ (“Petitioner” or “State”), regarding the above named Respondent (“Respondent”). This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute and Constitutional provisions. Appearances were as noted in the record. Upon due consideration of the testimony and evidence adduced, the Court **FINDS, CONCLUDES AND ORDERS** as follows:

1. Respondent is mentally ill and poses a real and present threat of substantial harm to Respondent and/or members of the general public.
2. Respondent will, if not treated, continue to suffer mental distress and will continue to experience deterioration of the ability to function independently.
3. Respondent is unable to make rational and informed decisions as to whether treatment for mental illness would be desirable.
4. Treatment is available for the mental illness diagnosed.
5. Inpatient commitment in the custody of the State is the least restrictive alternative necessary and available for the treatment of Respondent’s mental illness.
6. The Petition is GRANTED.
7. The inpatient commitment of the Respondent is RENEWED for treatment of the Respondent’s mental illness for a period not to exceed \_\_\_\_\_, subject to further renewal if found appropriate upon proper petition and proceedings.
8. If, after treatment has been initiated and before this Order has expired by its express terms, the State, or its designated mental health facility, shall determine that it is no longer necessary for the Respondent to be treated on an inpatient basis, then the State or its designated

mental health facility shall assess whether the Respondent would benefit from court-supervised outpatient treatment upon discharge. If the State or its designated mental health facility shall determine that the same is desirable and in the Respondent's best interests, the State or its designated mental health facility shall file a motion with the Court at least ten (10) days prior to the Respondent's proposed discharge date or expiration of this Order (whichever shall occur first) and the Respondent shall remain in the custody of the State or its designated mental health facility, until the Court can conduct a hearing on said recommendation.

9. \_\_\_\_\_ (name of facility) is **ORDERED** to forward a copy of the Respondent's recommitment Order to the Probate Court where the Respondent's order originated from.

10. The costs of these proceedings, including a fee to the Guardian ad Litem, be taxed against the State of Alabama General Fund, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

11. The Court retains jurisdiction over this cause for such other proceedings and orders as may become appropriate.

Date: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Name)  
Special Judge of Probate

**NOTICE OF HEARING  
CONDEMNATION PROCEEDINGS**  
Probate Court of \_\_\_\_\_ County, Alabama  
\_\_\_\_\_, \_\_\_\_\_, AL \_\_\_\_\_

To:

Name of estate: \_\_\_\_\_ (name of estate)  
Case No.: \_\_\_\_\_ case number  
Cause No. Proceeding: \_\_\_\_\_ cause, (e.g., final settlement, etc.)  
Hearing date:  
Time:  
Court Room Number:

This notice and attached complaint are **IMPORTANT** and are provided to you as required by law to inform you of the proceedings now commenced in this Court and of the preliminary hearing noted above. **You have thirty (30) days from the date of delivery/receipt of this notice to respond if you wish.** You may be present at the hearing set or at any subsequent hearing at which the Court will allow you to participate. If you wish to answer or file an objection in this matter, you, or your attorney, should do so in writing by filing same with the Clerk of the Probate Court and by filing same with the attorney of record for the plaintiff. Absent a response by you and after thirty (30) days from service of this notice, the Court will proceed to consider the complaint accordingly. Case information may be obtained by visiting the Court's web site at: **www.\_\_\_\_\_**. Click on the judicial button on the left side of the screen. At the judicial screen, use the case number search option to pull up case/ cause information. The attorney of record for the plaintiff is \_\_\_\_\_.

---

**SERVICE**

It is **ORDERED** that service of this notice be made as follows:

- First class mail
- Certified mail
- Sheriff of \_\_\_\_\_ County, or
- Process Server [name]

Return back date for Sheriff/Process Server: \_\_\_\_\_ date due or n/a

Done this \_\_\_\_\_ date.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate



**COUNSEL:**

**INSTRUCTIONS TO:**

Please have the following publication notice run and file Proof of Publication with the Court at least 5 days prior to the hearing date.

**NEWSPAPER:**

The following shall run as a Legal Notice. Publish once a week for four (4) consecutive weeks. Mail Poof of Publication along with any bill for costs to the attorney of record as named.

Notice is hereby given to \_\_\_\_\_; or any other person or persons in interest of the following proceedings in the Probate Court of \_\_\_\_\_ County, AL, viz:

<b>STATE OF ALABAMA</b>	:	<b>PROBATE COURT OF SAID COUNTY</b>
_____ <b>COUNTY</b>	:	_____
_____	:	<b>CASE NO.</b> _____
<b>Plaintiff</b>	:	
<b>-VS-</b>	:	
_____	:	
<b>Defendants</b>	:	

**COMPLAINT FOR CONDEMNATION**

This day came \_\_\_\_\_, by and through \_\_\_\_\_ attorney, \_\_\_\_\_, and filed \_\_\_\_\_ complaint in writing seeking to condemn for the uses and purposes set forth in said complaint that certain real property located in the County of \_\_\_\_\_, State of Alabama, and described as follows:

You are further notified that the hearing of said complaint has been set by this Court for \_\_\_\_\_, at which time you may appear and answer said complaint or file objections thereto if you so desire.

**THE PARTIES TO WHICH NOTICE IS HEREBY GIVEN SHALL BE AFFORDED AT LEAST THIRTY (30) DAYS FROM THE DATE OF THE LAST PUBLICATION TO FILE AN ANSWER OR OTHER RESPONSE WITH THE COURT AND THE ATTORNEY FOR THE PLAINTIFF.**

**If the application to condemn is granted by the Court, a Commissioner's hearing will be scheduled within 30 days thereafter to determine damages which may be due the defendants. For information on the date and time of such hearing, please contact the Probate Court during regular business hours at\_\_\_\_\_.**

Witness my hand this \_\_\_\_\_.

\_\_\_\_\_, Esq., Attorney

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF : CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff :

-VS-

\_\_\_\_\_  
Defendant :

Condemnation of Land :

**JUDGMENT AND ORDER GRANTING COMPLAINT**

This cause is now properly before the Court pursuant to its jurisdiction and authority as conferred by state and constitutional provisions, and on due consideration of the Complaint and evidence adduced:

It now appears to the Court that notice of these proceedings and a copy of the Complaint have been served on all defendants \_\_\_\_\_ and that publication has been given to those certain defendants entitled thereto, pursuant to law and as directed by the Court; and

After hearing and considering all the pleadings and the proof, the Court is of the opinion that the facts alleged in said Complaint \_\_\_\_\_ are established by the evidence; that the acquisition of the described land is for public use; that it is necessary that the property described in said Complaint \_\_\_\_\_ be condemned for the uses and purposes set forth in said Complaint \_\_\_\_\_ and that the prayer of said Complaint \_\_\_\_\_ be granted.

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that the said Complaint, \_\_\_\_\_ as aforesaid, be and the same is hereby granted as prayed.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF : CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff :

-VS- :

\_\_\_\_\_  
Defendant :

Condemnation of Land :

**ORDER APPOINTING COMMISSIONERS**

For due cause now shown, it is **ORDERED** by the Court that \_\_\_\_\_, who are citizens of \_\_\_\_\_ County, Alabama, and who possess the qualifications of jurors under the Laws of the State of Alabama, and who are disinterested parties to this proceeding, are hereby appointed Commissioners to assess the damages and compensation to which the Defendants, as owners and parties claiming or holding some right, title or interest in and to the land described in said Complaint \_\_\_\_\_, are entitled; said land being situated in the County of \_\_\_\_\_, State of Alabama, and more particularly described as follows:

It is further **ORDERED** by the Court that said Commissioners be forwarded notice of their appointment and duties thereunder by First Class United States Mail, postage pre-paid; and

It is further **ORDERED** by the Court that said Commissioners, within twenty (20) days from this date, shall make a report in writing to this Court stating the amount of damages and compensation ascertained and awarded by them to the said Defendants, as owners of, or claimants of the above described parcel \_\_\_\_\_ of land.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ : CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff :  
:

-VS- :

\_\_\_\_\_  
Defendant :  
:

Condemnation of Land :

**NOTICE TO COMMISSIONERS**

TO: \_\_\_\_\_

Please take **NOTICE** that by order of the Court this day entered you have been appointed **COMMISSIONERS** in the cause as set forth in the caption above.

Upon first being sworn, as jurors are sworn, you may view the property in question, which is more particularly described on the attached exhibit \_\_\_\_\_, and, after notice has been given to all parties, you must hold a hearing to consider the legal evidence offered by the parties in interest.

**YOU MUST**, within twenty (20) days from this date, make a written report to this Court stating the amount of damages and compensation ascertained and assessed by you for the owners of each tract of land, or persons injured and other parties interested therein. Attached to said report you shall file a certificate under oath that neither of you have ever been consulted, advised with or approached by any person in reference to the value of the lands or the proceedings to condemn the same prior to the assessment of damages and that you knew nothing of the same prior to your appointment.

The foregoing is given pursuant to Section 18-1A-279, 280, 281 and 282, *Code of Alabama 1975*, as last amended.

**ORDERED AND DECREED** this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_, Judge of Probate

By: \_\_\_\_\_

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF : CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff :

-VS- :

\_\_\_\_\_  
Defendant :

Condemnation of Land :

**CERTIFICATE OF COMMISSIONERS**  
**(§ 18-1A-279)**

I, the undersigned, do hereby certify as follows:

That I have been appointed as a Commissioner by the Probate Court of \_\_\_\_\_ County, Alabama, in the above entitled cause now pending in said Court;

That I possess the qualifications of a juror in \_\_\_\_\_ County, Alabama;

That I will well and truly try the issues submitted to my decision and to be tried in said cause;

That I am neither directly or indirectly interested in the issues to be tried;

That I have never been consulted, advised with or approached by any person in reference to the value of said lands or the proceedings to condemn the same prior to the assessment of damages and that I knew nothing of the same prior to this appointment;

That I am not biased or prejudiced against any of the parties to said cause and that I will render such compensation to the defendants as shall seem just and proper in the premises.

\_\_\_\_\_  
Date: \_\_\_\_\_

Witness:

\_\_\_\_\_

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

IN THE MATTER OF : CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff :

-VS- :

\_\_\_\_\_  
Defendant :

Condemnation of Land :

**ORDER REVOKING APPOINTMENT OF COMMISSIONER AND  
ORDER REAPPOINTING COMMISSIONER**

This day came \_\_\_\_\_, and reported to the Court that \_\_\_\_\_ is unable to serve on the appointment heretofore made by this Court as Commissioner to appraise certain lands described in the above entitled case; the Court is of the opinion that the appointment of \_\_\_\_\_ should be revoked.

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that the appointment of \_\_\_\_\_ with \_\_\_\_\_ and \_\_\_\_\_, as Commissioners, to assess the damages and compensation to which the owners of said property are entitled, in the above entitled cause, be and the same is hereby revoked.

It is further **ORDERED** by the Court that \_\_\_\_\_, who is a citizen of \_\_\_\_\_ County, Alabama and who possesses the qualifications of a juror under the Laws of the State of Alabama, and who is a disinterested party to this proceeding, is hereby appointed Commissioner to serve with \_\_\_\_\_ and \_\_\_\_\_, to assess the damages and compensation to which the Defendants, as owners and parties claiming or holding some right, title or interest in and to the land described in said Complaint \_\_\_\_\_, are entitled; said land being situate in the County of \_\_\_\_\_, State of Alabama, and more particularly described as follows:

It is further **ORDERED** by the Court that \_\_\_\_\_ be forwarded notice of \_\_\_\_\_ appointment and duties thereunder by First Class United States Mail, postage pre-paid; and

It is further **ORDERED** by the Court that said Commissioners, within twenty (20) days from the \_\_\_\_\_ day of \_\_\_\_\_, make a report in writing to this Court stating the amount of damages and compensation ascertained and awarded by them to the said Defendants, as owners of, or claimants of the above described parcel \_\_\_\_\_ of land.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF : CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff :

-VS- :

\_\_\_\_\_  
Defendant :

Condemnation of Land :

**ORDER REVOKING APPOINTMENT OF COMMISSIONERS AND  
ORDER REAPPOINTING COMMISSIONERS**

This day came \_\_\_\_\_, the Commissioners heretofore appointed to appraise certain lands described in the above entitled cause, and reported to the Court that they were unable to report to this Court within twenty (20) days as required by law and requests that they be reappointed.

It is **ORDERED, ADJUDGED AND DECREED** by the Court that the appointments of \_\_\_\_\_, as Commissioners to assess the damages and compensation to which the owners of said property are entitled in the above entitled cause, be and the same is hereby revoked.

It is further **ORDERED** by the Court that \_\_\_\_\_, who are citizens of \_\_\_\_\_ County, Alabama, and who possess the qualifications of jurors under the laws of the State of Alabama and are disinterested are hereby appointed Commissioners to assess the damages and compensation to which the defendants as owners and parties claiming or holding some right, title or interest in and to the land described in said complaint \_\_\_\_\_, are entitled, said land being situated in the County of \_\_\_\_\_, State of Alabama and more particularly described as follows:

It is further **ORDERED** by the Court that said Commissioners be forwarded notice of their appointment and duties thereunder by First Class United States Mail, postage pre-paid; and

It is further **ORDERED** by the Court that said Commissioners, within twenty (20) days from this date, shall make a report in writing to this Court stating the amount of damages and compensation ascertained and awarded by them to the said Defendants, as owners, of, or claimants of the above described parcel \_\_\_\_\_ of land.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate



IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF : CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff :

-VS- :

\_\_\_\_\_  
Defendant :

Condemnation of Land :

**JUDGMENT, ORDER FILING REPORT OF COMMISSIONERS  
AND ORDER OF CONDEMNATION**

This day came \_\_\_\_\_, the Commissioners heretofore appointed by this Court to assess and ascertain the damages and compensation to which the owners and other parties claiming or holding some right, title or interest in and to the said land described in said Complaint, \_\_\_\_\_ are entitled and filed their report in writing and under oath, setting forth among other things that after each of them had been sworn as jurors are sworn they executed their duties in strict accordance with the conditions of the commissions issued and the decree of this Court; and

It appears to the Court that \_\_\_\_\_, have filed appropriate written disclaimer \_\_\_\_\_ in this proceeding.

It is **ORDERED** that said \_\_\_\_\_ party be stricken as to \_\_\_\_\_ their disclaimed interest.

The Commissioners awarded compensation and damages to the following named persons, in the following amount, for their interest to the following described land, situated in the County of \_\_\_\_\_, State of Alabama, viz:

It is **ORDERED, ADJUDGED AND DECREED** by the Court that the said report of commissioners be filed and recorded.

It now appears to the Court that \_\_\_\_\_, the Plaintiff in this cause, has the authority and right to take said property by eminent domain pursuant to \_\_\_\_\_, it is therefore further **ORDERED, ADJUDGED AND DECREED** by the Court that the property heretofore described, be and the same is hereby condemned for the uses and purposes set forth in said Complaint \_\_\_\_\_ and that title to the said property shall be transferred to the Plaintiff upon the payment of the damages and compensation so assessed, or the deposit of the same in the Court, **plus interest thereon, if any.**

It is further **ORDERED** by the Court that said plaintiff pay all costs of this proceeding, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF : CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff :

-VS- :

\_\_\_\_\_  
Defendant :

Condemnation of Land :

**ORDER AWARDING COMMISSIONERS' FEES**

In the above captioned matter and in consideration of the time and efforts expended by \_\_\_\_\_, the Commissioners heretofore appointed, who have made their written report as required by law, the Court finds that a fair and reasonable fee to allow each Commissioner is the sum of \$\_\_\_\_\_, which amount the Plaintiff is hereby **ORDERED** to pay as a part of costs, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**STATE OF ALABAMA** : **PROBATE COURT OF SAID COUNTY**  
 \_\_\_\_\_ **COUNTY** :  
 \_\_\_\_\_ : **CASE NO.** \_\_\_\_\_  
**Plaintiff** :  
**-VS-** :  
 \_\_\_\_\_ :  
**Defendant** :  
**Condemnation of Land** :

**PAYMENT OF AWARD INTO COURT**

Pursuant to the Order of Condemnation entered in the above entitled matter on to-wit, \_\_\_\_\_, this day came \_\_\_\_\_ and paid into this Court the amount of damages assessed and awarded by the Commissioners to the persons named as owners, or holders of interest in the following described lands, situated in the County of \_\_\_\_\_, State of Alabama, to-wit:

It is **ORDERED** that the said award \_\_\_\_\_ be accepted and deposited with the Court.

If an interested party seeks payment of all or a portion of the award now held by the Court, reference should be made to Ala. Code § 18-1A- 214 (1975).

\_\_\_\_\_  
 \_\_\_\_\_, Judge of Probate

**INSTRUCTIONS TO:**

**PETITIONER:**

Please have the following publication notice run and file Proof of Publication with the Court at least 5 days prior to the hearing date.

**NEWSPAPER:**

The following shall run as a Legal Notice. Publish once a week for three (3) consecutive weeks. Mail Proof of Publication along with any bill for costs to the attorney of record as named.

Notice is hereby given to \_\_\_\_\_; or any other person or persons in interest in the following proceedings in the Probate Court of \_\_\_\_\_ County AL, viz:

**STATE OF ALABAMA** : **PROBATE COURT OF SAID COUNTY**

\_\_\_\_\_ **COUNTY** :

\_\_\_\_\_ : **Case No.** \_\_\_\_\_

**IN RE: Claim to Award**

This day came \_\_\_\_\_, by and through \_\_\_\_\_ attorney, \_\_\_\_\_, and filed in this Court \_\_\_\_\_ claim to the award heretofore paid into this Court by \_\_\_\_\_, for the taking of certain land described in the above entitled cause and on file in the Probate Court.

You are hereby further notified that the hearing of said claim to award has been set for \_\_\_\_\_, at which time you may appear and answer said claim or file objections thereto if you so desire.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_, Judge of Probate

**PUBLISH ONCE A WEEK FOR THREE (3) CONSECUTIVE WEEKS**

\_\_\_\_\_, Attorney

**STATE OF ALABAMA** : **PROBATE COURT OF SAID COUNTY**  
 \_\_\_\_\_ **COUNTY** :  
 \_\_\_\_\_ : **CASE NO.** \_\_\_\_\_  
**Plaintiff** :  
**-VS-** :  
 \_\_\_\_\_ :  
**Defendants** :  
**Condemnation of Land** :  
**In Re: Claim to Award** :  
 \_\_\_\_\_

**ORDER**

This cause is now properly before the Court pursuant to its jurisdiction and authority as conferred by statute and constitutional provisions, and on due consideration of the pleading and evidence adduced:

It is hereby **ORDERED** by the Court that \_\_\_\_\_, less the cost of this proceeding and any unpaid ad valorem taxes which may be due.

\_\_\_\_\_  
 \_\_\_\_\_, Judge of Probate

(SAMPLE)

**MOBILE COUNTY PROBATE COURT  
LAND CONDEMNATION COMMISSIONERS  
February 2007**

**I. INTRODUCTION**

“Eminent Domain” is one of the “rights” a sovereign government has - to take private property for public use. The Alabama Constitution [1901 *Ala. Const.* Art. I, § 23] provides that just compensation must be paid to the landowner. The Alabama Constitution also provides for the exercise of eminent domain by cities, counties and other corporations and individuals vested with the right to take property for public use [1901 *Ala. Const.* Art. XII, § 235]. Jurisdiction to condemn privately owned property rests in the Probate Court. The Judge of Probate receives petitions for condemnation, conducts the necessary proceedings and issues the final condemnation order. In addition to condemnation for public uses, this jurisdiction extends to the erection of dams for mills, gins or factories, and to rights-of-way for private owners.

**II. PROCEDURE PRIOR TO COMMENCEMENT OF CONDEMNATION ACTION**

To better inform land commissioners as to the entire land condemnation process, the following summary of the procedure preceding the commencement of a condemnation action is offered.

**A. Appraisal**

Before beginning a condemnation action, a condemnor must have the property appraised to determine the amount that would constitute just compensation for the taking. The owner or the owner’s representative must be given a reasonable opportunity to accompany the appraiser during the inspection of the property.

**B. Offer**

Before beginning a condemnation action, a condemnor must offer the owner an amount believed to be just compensation. The condemnor shall provide the owner with a written statement and a written summary showing the basis for the amount determined to be just compensation.

**C. Payment Or Deposit Before Surrender Of Property**

An owner is not required to surrender possession of the property before the condemnor either pays the agreed purchase price or deposits the amount awarded.

**D. Notice**

Except in an emergency, a condemnor may not require an occupant of the condemned property to move prior to a 90 day notice of the move.

**E. Uneconomic Remnant**

If the acquisition of part of the property would leave the owner with an uneconomic remnant, the condemnor must offer to buy the remnant.

**F. Entry**

A condemnor and its agents may enter the property for a reasonable time to make suitability studies unless good cause to the contrary is shown.

**G. Offer As Prerequisite**

The condemnor must offer to acquire the property at its approved offer before commencing the condemnation action.

**III. COMMENCEMENT OF CONDEMNATION ACTION**

If the condemnor and landowner reach an agreement, there is no need for a condemnation action. A condemnation action is only required where the parties can NOT reach an agreement. Condemnation in Probate court is a two (2) step process. In the first phase, the Probate Court must determine if the complaint should be granted. If the complaint is granted, the second phase commences. In the second phase, the amount of damages owed to the landowner must be established. The Probate Court is required to appoint three (3) persons to serve as commissioners (discussed in greater detail below). The commissioners determine the amount of damages. In essence, the commissioners can be analogized to the role of a jury in civil litigation.

**A. Filing Complaint**

A condemnation action is begun by filing a complaint in the Probate Court in the county in which the property is located.

**B. Service of Process**

When the complaint has been filed, the Probate Court must set a date for the hearing and issue notice to the owner unless notice has been waived.

**C. Owner's Response**

The owner may respond to the complaint, but is not required to do so unless he challenges the right to condemn, disputes the area to be acquired or to remain, or wishes to raise preliminary



objections to the condemnor's procedure.

**D. No Formal Discovery Is Permitted**

Land condemnation matters are supposed to be handled on an expedited basis. In furtherance of this concept, no formal discovery between opposing parties is permitted in actions pending in the Probate Court.

**IV. DETERMINATION OF VALUE OF PROPERTY/DAMAGES SUSTAINED BY OWNER - PROCEDURE RELATING TO PAYMENT - APPEAL OF DECISION**

Once the Probate Court has granted the relief requested in the condemnation lawsuit, the second phase of the litigation begins, to determine the amount of damages due to the landowner. The land commissioners appointed pursuant to the procedure outlined below, must hold a hearing to receive evidence relating to compensation. The commissioners will conduct a hearing in a conference room at the Probate Court. This hearing is informal. All interested parties should be afforded an opportunity to make their presentation to the commissioners in the presence of the other interested parties.

**A. Appointment of Commissioners**

Within 10 days after granting the complaint, the Judge of Probate must appoint 3 citizens to serve as commissioners. Commissioners must be eligible to serve as jurors in Mobile County and must be disinterested in the case. In other words, the commissioners can not have a relationship with the condemnor or the owners. The appointment is made on a rotational basis from a list prepared by the Judge of Probate.

**B. Commissioners' Report Due In 20 Days**

**Within 20 days from their appointment**, the commissioners must make a written report to the Probate Court stating the amount of damages and compensation ascertained. Within 7 days of receipt of the commissioners' report, the Probate Court must issue an order recording the report and condemning the property upon payment or deposit into Probate Court of the damages and compensation assessed by the commission.

**C. Chairman Of Commission**

The Probate Court will appoint one of the commissioners to serve as chairman of the commission. The Chairman is responsible for making the arrangements with the other commissioners, and advising the condemnor (or its attorney of record) about the date, time and location for the viewing of the property and the time and date of the commissioners' hearing. Upon notice of appointment, the chairman of the commission should immediately contact the other commissioners and confirm their availability to serve on the commission and ascertain dates on which the commissioners are available to conduct their hearing. **DO NOT RELY UPON VOICE MAIL MESSAGES OR MESSAGES LEFT ON ANSWERING MACHINES.** If the

chairman has not made contact with a commissioner within 3 days of notice of appointment, the chairman should contact the Clerk of the Probate Court for instruction. If a commissioner has not been contacted by the designated chairman of the commission within 3 days of notice of appointment, the commissioner should contact the Clerk of the Probate Court for instruction. Once the chairman has ascertained dates and times the commissioners are available to meet, the chairman should contact the lawyer for the condemnor and using said information, set a date for the commission's hearing. Upon setting a date for the commission hearing, the chairman should immediately contact the commissioners and advise them of the hearing date and furnish any other pertinent information. **DO NOT RELY UPON VOICE MAIL MESSAGES OR MESSAGES ON ANSWERING MACHINES AS CONSTITUTING NOTICE.** If the chairman has not made *actual* contact with a commissioner within 3 days after initiating efforts to notify the commissioner of the hearing date and time, the chairman should contact the Clerk of the Probate Court for instruction.

#### **D. Commissioners' Hearing And Assessment Of Damages**

The commissioners must hold a hearing to receive evidence relating to compensation. Upon notice of appointment, the chairman of the commission should immediately contact the other commissioners and confirm their availability to serve on the commission and ascertain dates on which the commissioners are available to conduct their hearing. **DO NOT RELY UPON VOICE MAIL MESSAGES OR MESSAGES LEFT ON ANSWERING MACHINES.** If the chairman has not made contact with a commissioner within 3 days of notice of appointment, the chairman should contact the Clerk of the Probate Court for instruction. If a commissioner has not been contacted by the designated chairman of the commission within 3 days of notice of appointment, the commissioner should contact the Clerk of the Probate Court for instruction. Once the chairman has ascertained dates and times the commissioners are available to meet, the chairman should contact the lawyer for the condemnor and using said information, set a date for the commission's hearing. Upon setting a date for the commission hearing, the chairman should immediately contact the commissioners and advise them of the hearing date and furnish any other pertinent information. **DO NOT RELY UPON VOICE MAIL MESSAGES OR MESSAGES ON ANSWERING MACHINES AS CONSTITUTING NOTICE.** If the chairman has not made contact with a commissioner within 3 days after initiating efforts to notify the commissioner of the hearing date and time, the chairman should contact the Clerk of the Probate Court for instruction.

#### **E. Notice of Commissioners' Hearing**

Notice of the hearing must be given to the parties. Once the date is set, the chairman of the commission should contact the attorney of record for the condemnor, so that said attorney can send notice of the hearing to all other interested parties. The attorney needs to give a **MINIMUM** of 3 days notice of the hearing.

#### **F. Viewing of Property**

The commissioners will physically go to the property in question and view it **prior** to their

hearing. The landowner, the landowner's legal counsel (if any), the landowner's real estate appraiser (if any), a representative of the condemning authority, the condemning authority's legal counsel, and the condemning authority's engineer and/or real estate appraiser (if any) are permitted to be present at the time the commission views the property. The viewing can only occur as scheduled with the representative of the condemning authority (usually its lawyer) and the landowner.

It is **not** appropriate for commissioners to discuss the matter with one party or one party's representatives, without the other party having notice and the opportunity to be present. There should be no discussions between commissioners and parties or their representatives about the matter, while waiting on the opposing party or its representatives, if any, to arrive for the viewing.

### **G. Swearing In Of Commissioners**

The commissioners will be sworn in by the Judge of Probate, Chief Clerk, or designee of the Chief Clerk, before the hearing commences.

### **H. Format Of Commissioners' Hearings**

The rule prohibiting "ex parte" communications (see comments above about viewing the property) applies to the commission hearings you conduct and participate in. You should not discuss the merits of the case with any party or the representatives or witnesses of any party until the hearing is formally commenced by the chairperson

The commission you are serving on, is practically speaking, a three (3) person jury. It is very important that each commissioner be neutral as to any party or any party's position, until all proper evidence has been submitted to the commission and the commission as a whole has the opportunity to reach a decision.

1. Chairman of the commission calls the meeting to order and introduces the other commissioners to all interested parties.
2. The condemnor or the lawyer for the condemnor presents expert testimony as to the property being taken, the estimated value of the property and whether an uneconomic remnant exists. At this time the condemnor's damage award offer is disclosed. The commissioners and the interested parties may ask questions of the testifying witnesses.
3. The Alabama Attorney General has advised the Court that evidence submitted by the parties (or their lawyers) should be evidence which is admissible under the Alabama Rules of Evidence, statute, case law or Constitutional provision. See discussion below regarding evidence that can be received by the commission.
4. The owner or lawyer for the owner presents testimony as to the property to be taken, the estimated value of the property and whether an uneconomic remnant exists.

The owner or his lawyer can comment about the condemnor's damage award offer.

5. After all evidence and testimony is obtained, all parties exit and the commissioners meet in private to determine the award to be given to the owner.
6. The condemnor (or its lawyer) prepares and furnishes a written report for the commissioners to use in reporting to the Probate Court their findings and decision as to the award.
7. The commissioners present their report to either the Judge of Probate or the Chief Clerk and are "sworn out". The oath utilized is "In the matter of [style of case], each of you have been previously sworn as commissioners, you now render unto the Court your report of money damages due to the defendant (or parties) which is based upon the evidence and testimony presented to you, that such damages are (state each parcel or tract by name or number and the amount entered in the report); so say each of you?" (Each commissioner should respond affirmatively).
8. At the time the report is submitted to the Judge of Probate or Chief Clerk, the commissioners should be prepared to advise as to how much time they have expended with regard to that particular matter.

#### **I. Evidence That Can Be Considered**

The Alabama Attorney General has advised the Probate Court that the evidence submitted by the condemnor, owner or interested party at a commissioner hearing should be evidence that is admissible under the *Alabama Rules of Evidence*, statute, case law, or Constitutional provision. If the condemnor, owner or party in interest objects to a question being posed to a witness or objects to information being furnished to the commission on the ground that such evidence is not admissible under applicable law, the chairman of the commission should recess the commission hearing and contact the Judge of Probate for a ruling on the evidentiary issue. If any commissioner has a question or concern as to whether evidence presented to the commission is legal evidence the commission can receive and consider during the commission's deliberations, the commissioner should contact the Judge of Probate.

It is difficult to succinctly outline what evidence constitutes admissible evidence in a land condemnation commissioners' hearing. Generally speaking, however, the following types of evidence is **NOT ADMISSIBLE**:

1. Hearsay evidence (what someone WHO IS NOT PRESENT AT THE HEARING told someone else). For example, the owner cannot state what some other person (lay or professional) told the owner as to the value of the owner's property. For that third person's testimony to be considered, the third person must be present and offer their opinion directly to the commission.
2. A copy of the condemnor's appraisal report, *when offered by the owner*.

3. The price or other terms and circumstances of an acquisition of comparable property, where the property was or could have been acquired in that transaction under the power of eminent domain.
4. The price at which property was optioned, offered, mortgaged or listed for purchase, sale or lease.
5. The assessed value of property for purposes of taxation.
6. Any elements of loss of value that are legally noncompensable under Alabama law.
7. The written evaluation report of the opposing party.

**J. Amount Of Damages**

1. “Fair Market Value”

The term “fair market value” has been defined “as the price the property would bring when offered for sale by a willing seller who is not forced to sell and which is sought by a willing buyer who is not required to buy.”

2. Before And After Value

In a partial taking, the owner is entitled to the difference between the fair market value of the entire property before the taking and the fair market value of the remainder after the taking.

3. Incidental Benefits

The amount of compensation a landowner may be entitled to receive may not be reduced because of any incidental benefits which may accrue to the remaining land. However, in condemnation of lands for rights-of-way for public highways, water or sewer lines, the value of the enhancement to the remaining lands of the landowner must be considered in fixing the amount of compensation to be awarded the owner.

4. Highest and Best Use

The owner is entitled to consideration for condemnation on the basis of the highest and best use to which the property could be put, even though not presently being so used.

5. Taking

An owner is not required to surrender possession of property before the condemnor (a) pays the agreed purchase price, or (b) pays or deposits the amount awarded by the condemnation order together with interest thereon as prescribed in the order.

## 6. Maximum Amount Of Damages

The amount of damages awarded to the owner **cannot exceed** the value testimony received by the commission. If the owner presents no testimony regarding the value of the property, the amount of damages cannot exceed the value testimony offered by the condemnor. Under Alabama law, an owner of real property is competent to offer an opinion as to the value of the owner's property, even if the owner does not have formal training in land values. If an owner offers the owner's opinion as to the value of the owner's property, the commission has the discretion to determine how much weight to accord to said opinion as compared to other opinions offered to the commission. Likewise, the commission has the discretion to determine how much weight to accord to a value opinion of a professional person.

## V. PAYMENT OF DAMAGES AND COMPENSATION - APPEAL

### A. Payment Of Damages And Compensation

The condemnor may pay the damages and compensation assessed at any time within 90 days after the assessment thereof, or, in case an appeal is taken, within 60 days after the appeal is determined. If the condemnor fails to pay on a timely basis, such assessment shall cease to be binding on the owner of the lands or other interested parties and the complaint should be dismissed, with the condemnor being liable to the owner of the lands for all damages the latter may have sustained by the institution of the proceedings, including a reasonable attorney's fee for defending the same.

### B. Appeal To Circuit Court

Within 30 days of the order of condemnation, any party may appeal the order to the Circuit Court for a new trial.

## VI. LAND COMMISSIONER COMPENSATION

Compensation for the commissioner is based upon the time expended by the commissioner as to the particular condemnation matter. The current rate utilized is \$80.00 per hour, with a \$200.00 minimum fee. If the commissioners have any extraordinary expenses, they should present written documentation to support the same to the Judge of Probate or Chief Clerk of the Probate Court.

STATE OF ALABAMA ) PROBATE COURT OF SAID COUNTY  
 )  
 \_\_\_\_\_ COUNTY )  
 )  
 \_\_\_\_\_ ) Case No. \_\_\_\_\_  
(Alleged) Incapacitated Person

**ORDER APPOINTING TEMPORARY GUARDIAN  
AND TEMPORARY PROTECTIVE ORDER**

This cause came on to be heard this date on the petition for a temporary protective order and a temporary Guardian over the above named alleged incapacitated person as filed by \_\_\_\_\_, pursuant to the Alabama Uniform Guardianship and Protective Proceedings Act (Act No. 87-590); and

Now comes the said petitioner by and through counsel, \_\_\_\_\_, Esq., and also comes the said alleged by and through counsel, \_\_\_\_\_, Esq. the duly appointed Guardian ad Litem in this proceeding; and

Upon due consideration of the testimony and evidence this day adduced, the Court finds that (i) \_\_\_\_\_ is in need of protective arrangements; that (ii) said person has no guardian; that (iii) an emergency exists; and that (iv) the basis for a Temporary Protective Order and a Temporary Guardian has been established; and pursuant to § 26-2A-136 (b)(1):

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that \_\_\_\_\_, upon filing bond in the sum of \$\_\_\_\_\_, is hereby appointed Temporary Conservator to marshal, preserve and protect the assets belonging to \_\_\_\_\_, same to be used for the maintenance and support of said \_\_\_\_\_, pending a final adjudication of the petition for the appointment of a Conservator.

It is further **ORDERED** by the Court that \_\_\_\_\_ be and is hereby appointed Temporary Guardian over \_\_\_\_\_, an incapacitated person pursuant to § 26-2A-107, *Code of Alabama, 1975*, as last amended, for a period not to exceed fifteen (15) days and that said Temporary Guardian is hereby granted all the powers and duties conferred under the above referenced Act and as set forth in the Letters of Guardianship now issued.

It is further **ORDERED** by the Court that \_\_\_\_\_ shall reside in \_\_\_\_\_ County and shall not leave the State of Alabama without prior written approval by the Court.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

STATE OF ALABAMA : PROBATE COURT OF SAID COUNTY

\_\_\_\_\_ COUNTY :

\_\_\_\_\_ : CASE NO. \_\_\_\_\_

(Alleged) Incapacitated Person

**TEMPORARY PROTECTIVE ORDER**

This cause came on to be heard this date on the petition for a temporary protective order over the above estate as filed by \_\_\_\_\_, pursuant to the Alabama Uniform Guardianship and Protective Proceedings Act (Act No. 87-590); and

Now comes the said petitioner by and through counsel, \_\_\_\_\_, Esq., and also comes the said alleged by and through counsel, \_\_\_\_\_, Esq. the duly appointed Guardian ad Litem in this proceeding; and

Upon due consideration of the testimony and evidence this day adduced, the Court finds that (i) \_\_\_\_\_ is in need of protective arrangements; that (ii) said person has no guardian; that (iii) an emergency exists; and that (iv) the basis for a Temporary Protective Order has been established; and pursuant to § 26-2A-136 (b)(1):

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that \_\_\_\_\_, upon filing bond in the sum of \$\_\_\_\_\_, is hereby appointed Temporary Conservator to marshal, preserve and protect the assets belonging to \_\_\_\_\_, same to be used for the maintenance and support of said \_\_\_\_\_, pending a final adjudication of the petition for the appointment of a Conservator.

It is further **ORDERED** by the Court that said petitioner report any actions taken and attach any supporting documents, evidencing said actions to this Court on.

It is further **ORDERED** by the Court that the costs of this proceeding, including a guardian ad litem fee of \$\_\_\_\_\_, be taxed against said petitioner, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**NOTE: THIS ORDER, AS IT PERTAINS TO THE TEMPORARY CONSERVATORSHIP, IS NOT EFFECTIVE UNLESS ORDER FILING BOND IS ATTACHED.**



STATE OF ALABAMA : PROBATE COURT OF SAID COUNTY

\_\_\_\_\_ COUNTY :

\_\_\_\_\_ : CASE NO. \_\_\_\_\_

(Alleged) Incapacitated Person

**ORDER APPOINTING TEMPORARY GUARDIAN**

This cause came on to be heard this date on the petition for a temporary Guardian over the above named alleged incapacitated person as filed by \_\_\_\_\_, pursuant to the Alabama Uniform Guardianship and Protective Proceedings Act (Act No. 87-590); and that the powers and authority granted to this Court by Act No. 91-131 are now so exercised; and

Now comes the said petitioner by and through counsel, \_\_\_\_\_, Esq., and also comes the said alleged by and through counsel, \_\_\_\_\_, Esq. the duly appointed Guardian ad Litem in this proceeding; and

Upon due consideration of the testimony and evidence this day adduced, the Court finds that (i) \_\_\_\_\_ is in need of protective arrangements; that (ii) said person has no guardian; that (iii) an emergency exists; and that (iv) the basis for a Temporary Guardian has been established.

It is therefore, **ORDERED, ADJUDGED AND DECREED** by the Court that \_\_\_\_\_ be and is hereby appointed Temporary Guardian over \_\_\_\_\_, an incapacitated person pursuant to § 26-2A-107, *Code of Alabama*, 1975, as last amended, for a period not to exceed fifteen (15) days and that said Temporary Guardian is hereby granted all the powers and duties conferred under the above referenced Act and as set forth in the Letters of Guardianship as now issued.

It is further **ORDERED** by the Court that \_\_\_\_\_ shall reside in \_\_\_\_\_ County and shall not leave the State of Alabama without prior written approval by the Court.

It is further **ORDERED** by the Court that the costs of this proceeding, including a Guardian ad Litem fee of \$\_\_\_\_\_, be taxed against said petitioner, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

THE STATE OF ALABAMA

COURT OF PROBATE

COUNTY OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**TEMPORARY LETTERS OF GUARDIANSHIP**

*(Alabama Uniform Guardianship and Protective Proceedings Act)*

Pursuant to Court appointment, Temporary Letters of Guardianship over the person of \_\_\_\_\_ are hereby granted to \_\_\_\_\_ for a period not to exceed fifteen (15) days from this date.

Further, it is **ORDERED** that all individuals, institutions, educational facilities, medical care providers, and others having information about the ward shall release the same to the above named Guardian upon presentation of a photocopy of this Order without specific authorization otherwise.

Witness my hand this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

STATE OF ALABAMA : PROBATE COURT OF SAID COUNTY

\_\_\_\_\_ COUNTY :

\_\_\_\_\_ : CASE NO. \_\_\_\_\_

**ORDER FILING BOND AND APPOINTING  
TEMPORARY CONSERVATOR**

This day came \_\_\_\_\_ and filed bond in the sum of \$\_\_\_\_\_ with \_\_\_\_\_ as surety; and it now appears that said bond is in the amount prescribed by the Court, with good and sufficient surety, which bond has been taken and approved by the Judge of this Court; and upon due consideration:

It is **ORDERED** by the Court that \_\_\_\_\_ be and is hereby appointed as Temporary Conservator over the estate of \_\_\_\_\_. Said Temporary Conservator \_\_\_\_\_ granted those powers and duties as set forth in Sections 26-2A-152 and 153, *Code of Alabama 1975*, except that sales and leases of real or personal property may not be made by the Temporary Conservator \_\_\_\_\_ without first obtaining Court approval. The said Temporary Conservator shall not enter into any settlement of any litigation or received any assets from such litigation without approval of this Court and under such conditions as the Court may require.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

STATE OF ALABAMA : PROBATE COURT OF SAID COUNTY

\_\_\_\_\_ COUNTY : CASE No. \_\_\_\_\_

\_\_\_\_\_, :  
**Alleged Incapacitated Person**

**PETITION FOR LETTERS OF CONSERVATORSHIP**

Comes now \_\_\_\_\_, your petitioner, under oath, pursuant to the Alabama Uniform Guardianship and Protective Proceedings Act and Ala. Code § 26-2A-133 (1975), as amended, and respectfully represents under your Honor the following:

1. That \_\_\_\_\_, is \_\_\_\_\_ years of age, having been born on \_\_\_\_\_.
2. That his/her address is \_\_\_\_\_ and is currently residing at \_\_\_\_\_.
3. That your petitioner's address is \_\_\_\_\_ and is related to the alleged as follows \_\_\_\_\_.
4. That a conservatorship should be established to manage and protect said person's assets for the following reasons: **(List physical and/or mental reasons).**
5. That the estate of said person for whom these proceedings are brought consist of the following: **(General listing of assets including possible sources of income with estimated value of each.)**
6. That your petitioner has a basis of priority for appointment as conservator as follows: **(State claim - see Section 26-2A-138);** and
7. That the following person(s) are to be notified of these proceedings pursuant to Ala. Code Sections 26-2A-134 and 103 **(If alleged is an adult -- notice required to spouse, all adult children or if none, parents, any personal representative or one who has custody and care of alleged or one adult relative residing in state if there is no spouse, adult children, parents, etc. If alleged is a minor -- notice required to parents or person having principal care and custody of minor during past 60 days);** and

Wherefore your petitioner prays that the Court will take jurisdiction over this matter, conduct hearings as may be needed and proper and will appoint your petitioner as Conservator over the Estate of \_\_\_\_\_ upon filing bond as may be required. Your petitioner

prays for such other and different relief as may be appropriate, the premises considered, and does hereby specifically invoke the Equity Authority and Jurisdiction of this Court in this matter.

\_\_\_\_\_  
Petitioner

Sworn to and subscribed before me, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

OF COUNSEL:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ : CASE No. \_\_\_\_\_

\_\_\_\_\_ : DATE: \_\_\_\_\_

**ORDER**

This cause came before the Court on \_\_\_\_\_, on the Petition \_\_\_\_\_ filed by \_\_\_\_\_. Appearances were noted in the record. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute, local act and Constitutional provisions. Upon due consideration of the evidence and argument presented, the Court FINDS, CONCLUDES AND ORDERS as follows:

1. \_\_\_\_\_ is hereby found to be incapacitated and unable to manage his/her financial affairs.
2. The Court does further **FIND AND ADJUDGE** \_\_\_\_\_ to be a mentally incompetent person. It is **ORDERED** that this ruling be entered of record in this case and that a copy of same be furnished to the \_\_\_\_\_ County Board of Registrars pursuant to *Ala. Code § 17-4-131 (1975)*.
3. \_\_\_\_\_ is hereby appointed as Conservator over the assets of said incapacitated person upon first filing bond in the sum of \$\_\_\_\_\_.
4. Bond due on or before \_\_\_\_\_.
5. Costs, including a GAL fee are taxed against said estate.

**ORDERED AND DECREED**

\_\_\_\_\_  
Judge of Probate

C: Counsel of record

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ : CASE No. \_\_\_\_\_

\_\_\_\_\_ : DATE: \_\_\_\_\_

ORDER

This cause came before the Court on \_\_\_\_\_, on the Petition \_\_\_\_\_ filed by \_\_\_\_\_. Appearances were noted in the record. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute, local act and Constitutional provisions. Upon due consideration of the evidence and argument presented, the Court FINDS, CONCLUDES AND ORDERS as follows:

1. \_\_\_\_\_ is hereby found to be incapacitated and unable to manage his/her financial affairs.
2. The Court does further **FIND AND ADJUDGE** \_\_\_\_\_ to be a mentally incompetent person. It is **ORDERED** that this ruling be entered of record in this case and that a copy of same be furnished to the \_\_\_\_\_ County Board of Registrars pursuant to *Ala. Code § 17-4-4 (1975)*.
3. \_\_\_\_\_ is hereby appointed as Conservator over the assets of said incapacitated person upon first filing bond in the sum of \$\_\_\_\_\_.
4. Bond due on or before \_\_\_\_\_.
5. \_\_\_\_\_ is hereby appointed as Guardian over the person of said incapacitated person, with such powers and duties as set forth in § 26-2A-78, Code of Alabama, 1975, as last amended; and as set forth in the Letters of Guardianship as now issued.
6. \_\_\_\_\_ shall reside in \_\_\_\_\_ County and shall not leave the State of Alabama without prior written approval by the Court.
7. \_\_\_\_\_, the Guardian, shall provide the following written documents to the Court on or before the stated dates:
  - a. Guardian Care Plan - due \_\_\_\_\_
  - b. Annual Status Report of Guardian - due \_\_\_\_\_

Forms to use in making these reports are provided with this Order.

8. Costs, including a GAL fee and a Court Representative fee are taxed against said estate.

**ORDERED AND DECREED**

\_\_\_\_\_  
Judge of Probate

C: Counsel of record

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF

\_\_\_\_\_ : Case No. \_\_\_\_\_

\_\_\_\_\_ : Date: \_\_\_\_\_

**EXPENSE VOUCHER FOR COURT REPRESENTATIVE**

Number of hours spent in Court (utilize one-tenth of hour time increments) \_\_\_\_\_

Number of hours spent in interviews, telephone calls, preparation of case, review of pleadings and documents (utilize one-tenth of hour time increments) \_\_\_\_\_

**TOTAL NUMBER OF HOURS** \_\_\_\_\_

Court Representatives hourly rate is \$125.00

**MISCELLANEOUS EXPENSES:** \$ \_\_\_\_\_

Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOTAL DUE** \_\_\_\_\_

I do hereby state that the above is true and correct and that I served in the capacity as Court Representative, pursuant to appointment made by the Probate Court of \_\_\_\_\_ County, Alabama.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

**NOTE:** (1) If your time exceeds 4.0 hours or if you anticipate an objection to your fee request, attach an itemization of the time expended with a description of the service rendered. You should not "lump" your time or description of services rendered. Time should be recorded in one-tenth increments. (2) You should turn your expense voucher in at the time a written report is submitted and/or hearing if at all possible.



IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF

\_\_\_\_\_ : Case No. \_\_\_\_\_

\_\_\_\_\_ : Date: \_\_\_\_\_

**EXPENSE VOUCHER FOR GUARDIAN AD LITEM  
ADMINISTRATOR AD LITEM OR SPECIAL ATTORNEY**

Number of hours spent in Court (utilize one-tenth of hour time increments) \_\_\_\_\_

Number of hours spent in interviews, telephone calls, preparation of case, review of pleadings and documents (utilize one-tenth of hour time increments) \_\_\_\_\_

**TOTAL NUMBER OF HOURS** \_\_\_\_\_

**CUSTOMARY HOURLY RATE YOU RECEIVE FROM OTHER CLIENTS FOR SIMILAR SERVICES:** \$ \_\_\_\_\_  
(If no rate is specified a \$125.00 hourly rate will be utilized)

**MISCELLANEOUS EXPENSES:** \$ \_\_\_\_\_  
Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOTAL DUE** \_\_\_\_\_

I do hereby state that the above is true and correct and that I served in the capacity as (mark appropriate box) \_\_\_ Guardian ad Litem, \_\_\_ Administrator ad Litem or \_\_\_ Special Attorney, pursuant to appointment made by the Probate Court of \_\_\_\_\_ County, Alabama.

Date: \_\_\_\_\_  
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

**NOTE:** (1) If your time exceeds 3.0 hours or if you anticipate an objection to your fee request, attach an itemization of the time expended with a description of the service rendered. You should not "lump" your time or description of services rendered. Time should be recorded in one-tenth increments. (2) You should turn your expense voucher in at the time a written report is submitted and/or hearing if at all possible.

**STATE OF ALABAMA** : **IN THE PROBATE COURT**  
**COUNTY OF \_\_\_\_\_** : **DATE: \_\_\_\_\_**  
: **NOTICE OF COURT RULING**

To: Counsel of Record

Re: The Estate of \_\_\_\_\_ (name), \_\_\_\_\_ (type);  
Case No. \_\_\_\_\_



You are hereby advised of the following ruling(s) made by this Court relative to the above entitled estate:

1. Bond filed and approved on \_\_\_\_\_. Letters of Conservatorship issued to \_\_\_\_\_.
2. **Inventory due on or before \_\_\_\_\_ (date).**
3. **Partial settlement and accounting due \_\_\_\_\_.**
4. It is **ORDERED** that the Conservator shall not deposit with his/her legal counsel, and legal counsel shall not receive, any funds or other assets of this estate which exceed the total sum/value of \$10,000 without prior approval of the Court. Any estate funds appropriately held by legal counsel shall be placed in an interest account unless said funds are to be disbursed within forty-five (45) days of receipt by legal counsel.

By: \_\_\_\_\_  
Title

THE STATE OF ALABAMA

COURT OF PROBATE

COUNTY OF \_\_\_\_\_

Case No. \_\_\_\_\_

**LETTERS OF CONSERVATORSHIP**

*(Alabama Uniform Guardianship and Protective Proceedings Act)*

Letters of Conservatorship over the Estate of \_\_\_\_\_ are hereby granted to \_\_\_\_\_ who \_\_\_\_\_ duly qualified and given bond as such Conservator \_\_\_\_\_ in accordance with law. Said Conservator \_\_\_\_\_ granted those powers and duties as set forth in Sections 26-2A-152 and 153, *Code of Alabama 1975*, **except for the Restrictions noted below.**

- |   |
|---|
| <p>Restrictions:</p> <ul style="list-style-type: none"> <li>(1) Conservator shall not distribute any monies or estate assets without prior Court approval.</li> <li>(2) Conservator must immediately report to the Court the receipt of any monies or assets which were not reported in the initial inventory and/or are received while these Letters are in effect.</li> <li>(3) Sales and/or leases of real or personal property may not be made by the said Conservator without first obtaining Court approval.</li> </ul> |
|---|

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF )  
THE ESTATE OF ) CASE No. \_\_\_\_\_  
)  
\_\_\_\_\_, )  
an incapacitated person. )

**MOTION TO SELL PERSONAL PROPERTY**

COMES NOW, \_\_\_\_\_, as Conservator of the Estate of \_\_\_\_\_, an incapacitated person, and shows unto the Court as follows:

1. Conservator is the duly appointed and acting conservator of the Ward.
2. The Ward is approximately \_\_\_\_\_ years of age and presently resides at \_\_\_\_\_.
3. The Ward owns personal property located at his/her home place located at \_\_\_\_\_, Alabama.
4. Conservator has obtained an appraisal of the items in the home place from \_\_\_\_\_, a professional personal property appraiser. A true and correct copy of said appraisal report is attached hereto and marked as Exhibit "A" **OR** Conservator has attached the NADA [or the like] Report for the motor vehicle. A true and correct copy of said report is attached hereto and marked Exhibit "A" **OR** Conservator has attached a true and correct copy of the \_\_\_\_\_ Report, reflecting the value of the stocks/bonds as of the day of \_\_\_\_\_. A true and correct copy of said report is attached hereto and marked Exhibit "A" **OR** Conservator is unable to obtain an independent appraisal of the subject property because \_\_\_\_\_.
5. The estate has few assets and all of these assets need to be directed towards the Ward's care. Conservator does not believe it is in the best interest of the Estate to incur a recurring storage expense relative to the Ward's personal property.
6. The property needs to be sold for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_.
7. That the Ward may keep some of the items in the home place and/or move them into the nursing home. A list of the items to be sold is attached hereto and marked Exhibit "B".

WHEREAS, Conservator petitions the Court to: (1) approve the sale of the various items of personal property for the highest and best offer; and (2) Conservator requests for such other, further and different relief to which Conservator may be entitled, the premises considered.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Conservator for \_\_\_\_\_  
an incapacitated person.

OF COUNSEL:

\_\_\_\_\_  
\_\_\_\_\_

STATE OF ALABAMA                    )  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned authority in and for said State and County, personally appeared \_\_\_\_\_, who, known to me to be the Conservator for the Estate of \_\_\_\_\_, an incapacitated person, and having first been duly sworn, did depose and say that he signed the foregoing pleading and that he is informed and believes, and upon such information and belief avers, that the matters and facts stated therein are true and correct.

Sworn to and subscribed before me on this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

(AFFIX NOTARIAL SEAL)

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

In the Matter of the Conservatorship of:

Re:

\_\_\_\_\_  
Incapacitated

Case No. \_\_\_\_\_

**ORDER FILING PETITION AND APPOINTING  
GUARDIAN AD LITEM**

This day came \_\_\_\_\_ and filed a petition for \_\_\_\_\_ with the Court. It is **ORDERED** that same be filed and made a matter of record.

It is further **ORDERED** that \_\_\_\_\_, Esq. be and is hereby appointed Guardian ad Litem for the above named protected person/ward to review the pleading, the necessity for such action, confer with counsel and petitioner relative to the referenced petition and the circumstances concerning same.

It is further **ORDERED** that said Guardian ad Litem file a written report with the Court as soon as possible and no later than \_\_\_\_\_.

It is further **ORDERED** that a certified copy of the petition and this order be forwarded to the United States Veterans Administration for their record and response, if any.

Done this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

**In the Matter of the Conservatorship of:**

\_\_\_\_\_ Case No. \_\_\_\_\_  
**protected person/ward**

**Report of Guardian ad Litem:**

I, the undersigned, acting as Guardian ad Litem for the above named protected person/ward, have reviewed the petition by the Conservator as filed with the Court and dated \_\_\_\_\_. I have further discussed said request with counsel of record and the petitioner and do hereby render my report, **which is attached hereto.**

Further, and in conclusion, please be advised that:

- In interpose no objection as to such petition and find no reason for the Court to delay in considering and issuing its ruling on the same.
- I am unable to have questions concerning the said petition resolved to my satisfaction and do hereby request that a formal hearing be conducted to address such matters.

Please be advised that I have expended \_\_\_\_\_ hours and \_\_\_\_\_ minutes in performing my duties in this matter.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Guardian ad Litem

***File original with the Court and mail a copy to the Attorney of Record***

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ )

THE ESTATE OF \_\_\_\_\_ ) CASE NUMBER \_\_\_\_\_

\_\_\_\_\_, )  
Alleged Incapacitated Person )

**PETITION FOR APPOINTMENT OF GUARDIAN**

COMES NOW, your Petitioner, \_\_\_\_\_, who, under oath, pursuant to the Alabama Uniform Guardianship and Protective Proceedings Act, namely Title 26, Chapter 2A, Ala. Code (1975), respectfully represents as follows:

1. \_\_\_\_\_, is a person of \_\_\_\_\_ gender presently \_\_\_\_\_ years of age, having been born on \_\_\_\_\_.

2. Said person is temporarily a resident at \_\_\_\_\_. The permanent residence address of said person is \_\_\_\_\_.

3. Petitioner, whose address is \_\_\_\_\_, has the following interest in this proceeding, namely, Petitioner is the \_\_\_\_\_ of said alleged incapacitated person.

4. Said \_\_\_\_\_ is incapacitated by reason of \_\_\_\_\_. A copy of the medical report by Dr. \_\_\_\_\_ confirming the same is attached hereto as Exhibit "A".

5. A guardianship proceeding for said alleged incapacitated person should be established for the following reasons:

(a) \_\_\_\_\_ suffers from \_\_\_\_\_ and is unable to manage [his or her] personal living affairs.

(b) Said person is incapacitated and is unable to make his own medical decisions.

6. The following person(s) are to be notified of these proceedings pursuant to Ala. Code §§ 26-2A-75, 103, 134 (1975):



WHEREFORE, your Petitioner prays that this Court will appoint Petitioner as Guardian of \_\_\_\_\_, and your Petitioner prays for such other, further and different relief as may be appropriate.

\_\_\_\_\_  
Petitioner

**STATE OF ALABAMA**

**COUNTY OF \_\_\_\_\_**

Before me, the undersigned authority in and for said state and county, personally appeared \_\_\_\_\_, who, known to me, and having first been duly sworn, did depose and say that \_\_\_ he signed the foregoing petition and that \_\_\_ he is informed and believes, and upon such information and belief avers, that the matters and facts contained therein are true and correct.

\_\_\_\_\_  
Petitioner

Sworn to and subscribed before me on this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner

OF COUNSEL:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PETITIONER'S NOTICE OF HEARING IN THE  
PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA  
UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT**

**In re: The Estate of \_\_\_\_\_: Case No. \_\_\_\_\_**

TO:

Please take notice that a petition/motion for \_\_\_\_\_  
\_\_\_\_\_ has been filed in said Court by the Petitioner(s)  
named below and that the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ has been set for  
hearing on the same in the Probate Court of \_\_\_\_\_ County, \_\_\_\_\_ (address)  
, \_\_\_\_\_, Alabama.

Attorney for Petitioner:

Petitioner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ATTORNEY'S CERTIFICATE OF SERVICE**

I, the undersigned, as attorney of record for said Petitioner(s), do certify that I have this date forwarded a copy of this notice with pleading attached to the party named herein by  
 **CERTIFIED MAIL** or  **REGISTERED MAIL**, properly addressed with the sufficient postage affixed. (*Proof of service on certified or registered mail (green card) shall be attached when submitting same to the Probate Court*).

\_\_\_\_\_  
Signature of Attorney

Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE - PERSONAL SERVICE**

I, the undersigned, do hereby certify that on the date noted below, I served a copy of this notice with pleading attached on \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of duly appointed process server)

\_\_\_\_\_  
(Print name)

\_\_\_\_\_  
(Address)

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ : CASE No. \_\_\_\_\_

\_\_\_\_\_ : DATE: \_\_\_\_\_

**ORDER**

This cause came before the Court on \_\_\_\_\_, on the Petition \_\_\_\_\_ filed by \_\_\_\_\_. Appearances were noted in the record. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute, local act and Constitutional provisions. Upon due consideration of the evidence and argument presented, the Court FINDS, CONCLUDES AND ORDERS as follows:

1. \_\_\_\_\_ is hereby found to be incapacitated.
2. The Court does further **FIND AND ADJUDGE** \_\_\_\_\_ to be a mentally incompetent person. It is **ORDERED** that this ruling be entered of record in this case and that a copy of same be furnished to the \_\_\_\_\_ County Board of Registrars pursuant to *Ala. Code § 17-4-4 (1975)*.
3. \_\_\_\_\_ is hereby appointed as Guardian over the person of said ward and as set forth in the Letters of Guardianship as now issued.
4. \_\_\_\_\_, the Guardian, shall provide the following written documents to the Court on or before the stated dates:
  - a. Guardian Care Plan - due \_\_\_\_\_
  - b. Annual Status Report of Guardian - due \_\_\_\_\_

Forms to use in making these reports are provided with this Order.

5. Costs, including a GAL fee and a Court Representative fee are taxed against said estate.

**ORDERED AND DECREED**

\_\_\_\_\_  
Judge of Probate

C: Counsel of record

THE STATE OF ALABAMA

COURT OF PROBATE

COUNTY OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**LETTERS OF GUARDIANSHIP**

*(Alabama Uniform Guardianship and Protective Proceedings Act)*

Pursuant to Court appointment, Letters of Guardianship over the person of \_\_\_\_\_ are hereby granted to \_\_\_\_\_.

Further, it is **ORDERED** that all individuals, institutions, educational facilities, medical care providers, and others having information about the ward shall release same to the above Guardian upon presentation of a photocopy of this order without specific authorization otherwise.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

NOTICE TO GUARDIAN: Should circumstances relating to your ward's health, safety, welfare or living conditions change, you are required to the court in writing within 30 days, providing details of such changes. Mail any such report to the Court at \_\_\_\_\_.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ )

THE ESTATE OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

\_\_\_\_\_, )

an incapacitated person.

**GUARDIAN CARE PLAN**

**Introduction**

A Guardian is responsible for the Ward's personal needs, such as food, shelter, medical care, transportation, social services, education and/or rehabilitation. He or she has the responsibility to ensure that the appropriate services are provided. Appropriate services may vary based on a number of factors, including, but not limited to age and health. It is essential that the Guardian gather all pertinent information about the Ward, so an accurate and complete Care Plan can be developed on behalf of the Ward.

1. Guardian's place of residence, telephone number and cellular telephone number are:\_\_\_\_\_.

2. Ward's age, current place of residence and telephone number are:\_\_\_\_\_.

A. If Ward does not reside in an institutional-type facility, does Ward own \_\_\_\_ or rent \_\_\_\_ place of residence?

B. Does Ward live alone? Yes \_\_\_\_ No \_\_\_\_  
Resides with: Relative \_\_\_\_ Caregiver \_\_\_\_  
Provide Name\_\_\_\_\_.

3. Needs and Functional Assessments.

A. Is Ward able to function in activities of daily living such as feeding, bathing, administration of medication, toileting, dressing, ambulation and grooming? Yes\_\_\_\_ No\_\_\_\_  
If no, explain:\_\_\_\_\_

B. Is Ward able to perform activities of daily living such as personal banking, laundry, housekeeping, shopping, arranging transportation, and coordination of medical care?  
Yes \_\_\_\_ No \_\_\_\_  
If no, explain:\_\_\_\_\_

C. Does Ward have any behavioral problems? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

D. Does the Ward's current placement provide a safe environment? Yes \_\_\_\_\_ No \_\_\_\_\_  
If no, explain: \_\_\_\_\_  
\_\_\_\_\_

4. Guardians have an on-going responsibility for the health and well-being of the Ward and should stay informed about the Ward's status and needs in order to make informed decisions that are in the best interest of the Ward. The Guardian should regularly talk with and listen carefully to the Ward.

A. Medical -- Please mark as items are completed.

1. \_\_\_\_\_ Compile complete list of all medical providers.
2. \_\_\_\_\_ Provide all medical providers with copy of Letters of Guardianship.
3. \_\_\_\_\_ Compile complete list of all medications taken by Ward.
4. \_\_\_\_\_ Confirm medical insurance coverage.
5. \_\_\_\_\_ Set up procedure for medical insurance claims.
6. \_\_\_\_\_ Establish emergency preparedness procedure.

B. Have appropriate steps been taken for Ward's food and nutritional needs?

Yes \_\_\_\_\_, explain: \_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_, explain: \_\_\_\_\_  
\_\_\_\_\_

5. Summarize Ward's Care Plan.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Review Care Plan. 90 days \_\_\_\_\_ 6 months \_\_\_\_\_ 9 months \_\_\_\_\_

**PERJURY STATEMENT**

I swear (or affirm), under penalty of perjury, that the information contained in the aforesaid report is true and correct, to the best of my information, knowledge, and belief.

DATED: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature

Printed Name: \_\_\_\_\_

Guardian for: \_\_\_\_\_

**REMINDER:** The Guardian must notify the Court immediately if the aforesaid contact information for the Guardian or Ward changes.



IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ )

THE ESTATE OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

\_\_\_\_\_, )  
an incapacitated Person.

**ANNUAL STATUS REPORT OF GUARDIAN**

- Guardian's place of residence, telephone number and cellular telephone number are: \_\_\_\_\_.
- The Ward remains in need of protective services, in that the Ward continued to be physically and/or mentally incapable of protecting himself/herself and has no one able, willing and available to assume responsibility or care.
- This case is due **to be dismissed**, in that:
  - The Ward is no longer in need of protective services, because the individual's physical and/or mental condition has improved to the extent that the individual is capable of protecting himself/herself.
  - The Ward is receiving the necessary protection from an individual such as a relative who is available, willing and able to provide protection and care.
  - The whereabouts of the Ward is unknown.
  - The Ward is deceased.
- The **current residence, telephone number and cellular telephone number** of Ward are: \_\_\_\_\_.
- The **placement** of the Ward:
  - is stable.
  - is in need of change/has been changed to a more/less restricted environment because: \_\_\_\_\_.

- The **physical condition** of the Ward:
  - is essentially the same.
  - has changed, in that: \_\_\_\_\_  
\_\_\_\_\_.
  
- The **mental condition** of the Ward:
  - is essentially the same.
  - has changed, in that: \_\_\_\_\_  
\_\_\_\_\_.
  
- This case should be set for **review**, in that: \_\_\_\_\_  
\_\_\_\_\_.

**PERJURY STATEMENT**

I swear (or affirm), under penalty of perjury, that the information contained in the aforesaid report is true and correct, to the best of my information, knowledge and belief.

DATED: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Guardian for: \_\_\_\_\_

**REMINDER:** The Guardian must notify the Court immediately if the aforesaid contact information for the Guardian or Ward changes.

**STATE OF ALABAMA** : **IN THE PROBATE COURT**  
**COUNTY OF \_\_\_\_\_** : **DATE: \_\_\_\_\_**  
: **NOTICE OF COURT RULING**

To: Counsel of Record

Re: The Estate of \_\_\_\_\_ (name), \_\_\_\_\_ (type);  
Case No. \_\_\_\_\_



You are hereby advised of the following ruling(s) made by this Court relative to the above entitled estate:

1. Guardian Care Plan filed.
2. Guardian Annual Report filed.
3. Next Guardian Annual report due \_\_\_\_\_ (date).

By: \_\_\_\_\_  
Title

STATE OF ALABAMA : PROBATE COURT OF SAID COUNTY  
 \_\_\_\_\_ COUNTY :  
 \_\_\_\_\_ : CASE NO. \_\_\_\_\_  
**Minor**

**ORDER APPOINTING TEMPORARY GUARDIAN**

This cause came on to be heard this date on the petition for a temporary Guardian over the above named minor as filed by \_\_\_\_\_, pursuant to the Alabama Uniform Guardianship and Protective Proceedings Act (Act No. 87-590); and

Now comes the said petitioner by and through counsel, \_\_\_\_\_, Esq., and also comes the said minor by and through counsel, \_\_\_\_\_, Esq. the duly appointed Guardian ad Litem in this proceeding; and

Upon due consideration of the testimony and evidence this day adduced, the Court finds that a basis for a Temporary Guardian over said minor has been established.

It is therefore, **ORDERED, ADJUDGED AND DECREED** by the Court that \_\_\_\_\_ be and is hereby appointed Temporary Guardian over \_\_\_\_\_, a minor pursuant to § 26-2A-73(b), *Code of Alabama, 1975*, as last amended, for a period not to exceed six (6) months and that said Temporary Guardian shall have all the powers and duties conferred under the above referenced Act.

It is further **ORDERED** by the Court that the costs of this proceeding, including a Guardian ad Litem fee of \$\_\_\_\_\_, be taxed against said petitioner, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

\_\_\_\_\_  
 \_\_\_\_\_, Judge of Probate

THE STATE OF ALABAMA  
COUNTY OF \_\_\_\_\_

COURT OF PROBATE  
CASE NO. \_\_\_\_\_

**TEMPORARY LETTERS OF GUARDIANSHIP**  
*(Alabama Uniform Guardianship and Protective Proceedings Act)*

Pursuant to Court appointment, Temporary Letters of Guardianship over the person of \_\_\_\_\_ are hereby granted to \_\_\_\_\_ for a period not to exceed six months from this date.

Further, it is **ORDERED** that all individuals, medical care providers, institutions, educational facilities, and others having information about \_\_\_\_\_ shall release same to the above named Temporary Guardian(s) upon presentation of a copy of this Order, without the specific authorization by the child's parent(s) or custodian(s);

It is further **ORDERED** that the parent(s), custodian(s), education officials, and others shall allow the above named Temporary Guardian(s) personal, written and telephonic access to \_\_\_\_\_, upon presentation of a copy of this Order, without the specific authorization by the child's parent(s) or custodian(s).

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**NOTICE TO GUARDIAN:** Should circumstances relating to your ward's health, safety, welfare, or living conditions change, you are required to notify the Court in writing within 30 days, providing details of such changes. Mail any such report to the Court at \_\_\_\_\_.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

\_\_\_\_\_ ) DATE: \_\_\_\_\_

In Re: \_\_\_\_\_

**ORDER**

This cause came before the Court on \_\_\_\_\_, on the Petition \_\_\_\_\_ filed by \_\_\_\_\_. Appearances were noted in the record. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute, local act and Constitutional provisions. Upon due consideration of the evidence and argument presented, the Court FINDS, CONCLUDES AND ORDERS as follows:

1. \_\_\_\_\_ is hereby found to be a minor who is in need of guardian.
2. \_\_\_\_\_ is hereby appointed as Guardian over the person of said minor and as set forth in the Letters of Guardianship as now issued.
3. Costs, including a GAL fee, are taxed against the petitioner.

**ORDERED AND DECREED**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

C: Counsel of Record

THE STATE OF ALABAMA

COURT OF PROBATE

COUNTY OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**LETTERS OF GUARDIANSHIP**

*(Alabama Uniform Guardianship and Protective Proceedings Act)*

Pursuant to \_\_\_\_\_ appointment, Letters of Guardianship over the person of \_\_\_\_\_ are hereby granted to \_\_\_\_\_.

Further, it is **ORDERED** that all individuals, medical care providers, institutions, educational facilities, and others having information about \_\_\_\_\_ shall release the same to the above named Guardian(s) upon presentation of a copy of this Order, without the specific authorization by the child’s parent(s) or custodian(s).

It is further **ORDERED** that the parent(s), custodian(s), education officials, and others shall allow the above named Guardian(s) personal, written and telephonic access to \_\_\_\_\_, upon presentation of a copy of this Order, without the specific authorization by the child’s parent(s) or custodian(s).

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**NOTICE TO GUARDIAN:** Should circumstances relating to your ward’s health, safety, welfare, or living conditions change, you are required to notify the Court in writing within 30 days, providing details of such changes. Mail any such report to the Court at \_\_\_\_\_.

STATE OF ALABAMA ) **PROBATE COURT OF SAID COUNTY**  
 \_\_\_\_\_ COUNTY )  
 ) **CASE NO.** \_\_\_\_\_

**ORDER ON GUARDIANSHIP OVER MINOR**  
**PERSON PURSUANT TO PARENTAL APPOINTMENT**

This day came \_\_\_\_\_ and filed \_\_\_\_\_ acceptance to be appointed Guardian over \_\_\_\_\_, a minor along with proof of notice as to \_\_\_\_\_ intentions to become Guardian pursuant to § 26-2A-71.

It now appears that the Court has jurisdiction; that venue is proper; that said appointment of \_\_\_\_\_ as Guardian over \_\_\_\_\_ was made by \_\_\_\_\_; that notice of intention to become Guardian has been given to the minor and to such other parties as required by law; that the appointment made has become effective this date by the filing of said acceptance and proof; and that Letters of Guardianship should therefore issue.

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that the acceptance of \_\_\_\_\_ to become Guardian over \_\_\_\_\_ in accordance with § 26-2A-71 along with the proof of notice be filed and made a matter of record; and that Letters of Guardianship over \_\_\_\_\_ do forthwith issue to \_\_\_\_\_.

It is further **ORDERED** by the Court that \_\_\_\_\_ pay the costs of this proceeding, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

\_\_\_\_\_  
 \_\_\_\_\_, Judge of Probate



IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

\_\_\_\_\_ ) DATE: \_\_\_\_\_

In Re: \_\_\_\_\_

**ORDER**

This cause came before the Court on \_\_\_\_\_, on the Petition \_\_\_\_\_ filed by \_\_\_\_\_. Appearances were noted in the record. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute, local act and Constitutional provisions. Under due consideration of the evidence and argument presented, the Court FINDS, CONCLUDES AND ORDERS as follows:

1. \_\_\_\_\_ is hereby found to be a minor whose financial affairs are in need of management.
2. \_\_\_\_\_ is hereby appointed as Conservator over the assets of said minor upon first filing bond in the sum of \$\_\_\_\_\_.
3. Costs, including a GAL fee of \$\_\_\_\_\_ are taxed against said estate.

**ORDERED AND DECREED**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

C: Counsel of Record

**PETITION FOR LETTERS OF GUARDIANSHIP**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ **COUNTY** \_\_\_\_\_, 20\_\_

To the Honorable \_\_\_\_\_, Judge of Probate

The undersigned, \_\_\_\_\_, your Petitioner, respectfully petitions the court pursuant to the ALABAMA UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT and represents unto your Honor:

That \_\_\_\_\_ is a minor, aged \_\_\_ years who was born on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

That the minor child [resides in this county] [is present in the county at the commencement of these proceedings].

That [all parental rights over the minor have been terminated by prior order of the court in civil action \_\_\_\_\_ in the \_\_\_ Court of \_\_\_\_\_ County, Alabama]; [the minor's parents are deceased]; [he parental nominee \_\_\_\_\_ has failed to accept appointment]; [the minor's legal guardian does not reside in this State], now prays Your Honor that \_\_\_\_\_ be appointed Guardian of said minor \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

-----  
THE STATE OF ALABAMA \_\_\_\_\_, COUNTY

\_\_\_\_\_ being duly sworn, deposes and says that the facts averred in the above petition are true according to the best of \_\_\_\_\_ knowledge, information and belief.

\_\_\_\_\_  
Petitioner

SWORN to and subscribed before me, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate

**PETITION FOR LETTERS OF GUARDIANSHIP**  
**Alternative**

**STATE OF ALABAMA** ) **PROBATE COURT**  
\_\_\_\_\_ **COUNTY** ) \_\_\_\_\_ **20**\_\_

To the Honorable \_\_\_\_\_, Judge of Probate:

The undersigned, \_\_\_\_\_, your Petitioner, respectfully petitions the court pursuant to the ALABAMA UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT and represents unto your Honor:

That \_\_\_\_\_ is a [minor][incapacitated person], aged \_\_\_\_ years who as born on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

That the [minor child][incapacitated person][resides in this county] [is present in the county at the commencement of these proceedings].

[That the petitioner has been appointed in writing by \_\_\_\_\_ in their \_\_\_\_\_, a copy of which is attached.]

[The petitioner is the (spouse, adult child, parent, relative with whom person has resided prior 6 months)].

That [all parental rights over the minor have been terminated by prior order of the court in civil action \_\_\_\_\_ in the \_\_\_\_\_ Court of \_\_\_\_\_ County, Alabama]; [the minor's parents are deceased]; [the nominee \_\_\_\_\_ has failed to accept appointment]; [the legal guardian does not reside in this State],

Now prays Your Honor that \_\_\_\_\_ be appointed Guardian of said [minor][incapacitated person] \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

THE STATE OF ALABAMA \_\_\_\_\_ COUNTY.

\_\_\_\_\_ being duly sworn, deposes and says that the facts averred in the above petition are true according to the best of \_\_\_\_\_ knowledge, information and belief.

\_\_\_\_\_  
Petitioner

Sworn to and subscribed before me, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate

**MINOR'S NOMINATION FOR GUARDIANSHIP**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ **COUNTY**

\_\_\_\_\_ **20**\_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, That I, \_\_\_\_\_,  
a minor over the age of fourteen years, born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
do hereby nominate \_\_\_\_\_ as my Guardian.

I hereby respectfully request that the Probate Judge of \_\_\_\_\_ County,  
Alabama, make all such Orders and Decrees as may be necessary or proper to legally effectuate  
my guardianship.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
A minor, over the age of 14 years

STATE OF ALABAMA

\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public in and for the State of Alabama [at  
Large], do hereby certify that \_\_\_\_\_, a minor over the age of fourteen  
years, whose name is signed to the foregoing nomination for guardianship, and who is know to  
me, acknowledged before me on this day that being informed of the contents of said consent,  
he/she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_

**ACCEPTANCE OF APPOINTMENT AS GUARDIAN**

**STATE OF ALABAMA ) PROBATE COURT**

\_\_\_\_\_ **COUNTY ) \_\_\_\_\_, 20\_\_**

**TO THE HONORABLE \_\_\_\_\_, JUDGE OF PROBATE**

The undersigned, \_\_\_\_\_, your petitioner, respectfully petitions the Court pursuant to the ALABAMA UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT for Letters of Guardianship over \_\_\_\_\_, a [minor] [incapacitated person], of the age of \_\_\_\_\_ years, in accordance with that certain [parental] [spousal] appointment, a copy of which is attached hereto.

Your petitioner further represents to the Court that said appointment was made by [list the circumstances and by what type instrument, will, etc., § 26-2A-71 and § 26-2A-100]; that the [residence or whereabouts] of said [minor] [incapacitated person] is \_\_\_\_\_; that the name and address of the person having the care of the [minor] [incapacitated person] or [in case of incapacitated person, the nearest adult relative residing in this state] is \_\_\_\_\_; [and if appointment is for an incapacitated person] that at least seven (7) days notice of intention to accept said appointment has been given according to law; proof of same being submitted with this instrument.

WHEREFORE your petitioner prays that the Court will take jurisdiction over this matter, file this acceptance and issue Letters of Guardianship to your petitioner over \_\_\_\_\_, a [minor] [incapacitated person]. Your petitioner prays for such other and different relief to which he/she may be entitled, the premises considered.

\_\_\_\_\_  
Petitioner

STATE OF ALABAMA  
\_\_\_\_\_ COUNTY

\_\_\_\_\_ being duly sworn, deposes and says that the facts averred in the above acceptance and petition, are true according to the best interest of \_\_\_\_\_ knowledge, information and belief.

\_\_\_\_\_  
Petitioner

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/Judge of Probate

**PETITIONER'S NOTICE OF HEARING**

**THE STATE OF ALABAMA**  
\_\_\_\_\_ **COUNTY**

**PROBATE COURT**  
\_\_\_\_\_, **20**\_\_

**In re Guardianship of** \_\_\_\_\_;      **Case No.** \_\_\_\_\_

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA**  
**UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT**

TO HONORABLE \_\_\_\_\_, Judge of Probate

Please take notice that petitioner, \_\_\_\_\_, has filed a petition for Guardianship in said Court over, \_\_\_\_\_, a [minor] [incapacitated person] and that the \_\_\_ day of \_\_\_\_\_, 20 \_\_\_ at \_\_\_\_\_ has been set for a hearing on the same in the Probate Court of \_\_\_\_\_ County, \_\_\_\_\_, Alabama.

Done this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_.

Attorney for Petitioner:

Petitioner:

\_\_\_\_\_

\_\_\_\_\_

Copy of petition, motion, etc. is attached.

Service has been obtained by:

**ATTORNEY'S CERTIFICATE OF SERVICE**  
(first class mail only)

I the undersigned as attorney of record for said petitioner, have this date forwarded a copy of this notice with pleading attached to the party named herein by first class mail, properly addressed with the sufficient postage affixed.

\_\_\_\_\_  
(Signature of Attorney)

Date: \_\_\_\_\_

CERTIFICATE OF SERVICE - PERSONAL SERVICE

I the undersigned do hereby certify that on the date noted below I served a copy of this notice with pleading attached on \_\_\_\_\_.

\_\_\_\_\_  
(Signature of server)

\_\_\_\_\_  
(Print name)

\_\_\_\_\_  
(Address)

CERTIFIED MAIL SERVICE

Service of this notice is being effected by Certified Mail in accordance with applicable law permitting the same.

\_\_\_\_\_  
Signature of Attorney

**GUARDIANSHIP OF A MINOR  
ORDER FILING PETITION, SETTING DATE FOR HEARING,  
APPOINTING GUARDIAN AD LITEM**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ **County**

\_\_\_\_\_, **20**\_\_

This day came \_\_\_\_\_ and filed with the Court a petition to be appointed Guardian over the estate of \_\_\_\_\_. It is ORDERED by the Court that said petition be filed and set for hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ (a.m.) (p.m.).

It is further ORDERED by the Court that \_\_\_\_\_ a person learned in the law and practicing at the \_\_\_\_\_ Bar be and is hereby appointed as Guardian ad Litem to represent and protect the interest of the said \_\_\_\_\_ in this proceeding.

It is further ORDERED by the Court that the petitioner cause timely notice of these proceedings to issue to the appropriate parties pursuant to \_\_\_\_\_, (and in addition, to \_\_\_\_\_) and provide the Court with proof of same on or before the date of said hearing as heretofore set.

\_\_\_\_\_  
Judge of Probate

A. Petitions for protective proceedings, or other relief, etc. shall be set with written order and will include the appointment of a Guardian Ad Litem as instructed.



**ORDER GRANTING PETITION FOR GUARDIANSHIP**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ COUNTY \_\_\_\_\_, 20\_\_\_\_

This cause came on to be heard this date for the appointment of a Guardian over \_\_\_\_\_ on the petition \_\_\_\_\_ pursuant to the ALABAMA UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT; it now appears to the Court that venue and jurisdiction are proper; and that notice of the proceedings has been given to those entitled and proof of same filed; [and that the Equity powers of the Court have been invoked]; and

Now comes the said petition by and through (his/her) attorney, \_\_\_\_\_, Esq.; and also comes the said \_\_\_\_\_ by and through (his/her) Guardian al Litem, \_\_\_\_\_, Esq.; and [the Court notes for the record the presence of (name, etc.) at this hearing] OR [the Court notes for the record that (name, etc.) is not present at this hearing and finds that said person’s absence is in his/her best interest]; and

Upon due consideration of the evidence adduced in this matter, the Court does find that a basis for the appointment of a Guardian has been established, that the best interest of the [minor] [incapacitated person] will be served by the following relief, and

It is therefore ORDERED, ADJUDGED AND DECREED by the Court, that the petition for the appointment of a Guardian of \_\_\_\_\_ is hereby granted; and that \_\_\_\_\_ be and is hereby appointed Guardian of \_\_\_\_\_.

It is further ORDERED by the Court that said Guardian shall have all the powers and duties conferred under Ala. Code § 26-2A-78, the above referenced act, [except the following:

(specify limitations)]

[It is further ordered by the court that the said Guardian in addition to the general powers of a Guardian herein granted, the Guardian is specially authorized the following powers and duties:

(specify additional powers)]

It is further ORDERED by the Court that the aforesaid limitations or additional powers be properly endorsed upon the face of the letters of guardianship when issued.

It is further ORDERED by the Court that said Guardian shall file written reports annually with the Court on the Condition of the ward and of the ward’s estate that has been subject to the said Guardian’s control, the first of which reports shall be due on the \_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_\_.

It is further ORDERED by the Court that the costs of this proceeding, including a Guardian ad Litem fee of \$\_\_\_\_\_; be taxed against the estate of \_\_\_\_\_, FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

STATE OF ALABAMA )  
 )  
 \_\_\_\_\_ COUNTY )

PROBATE COURT OF SAID COUNTY

CASE NO. \_\_\_\_\_

**ORDER ON GUARDIANSHIP OVER MINOR**  
**PERSON PURSUANT TO PARENTAL APPOINTMENT**

This day came \_\_\_\_\_ and filed \_\_\_\_\_ acceptance to be appointed Guardian over \_\_\_\_\_, a minor along with proof of notice as to \_\_\_\_\_ intentions to become Guardian pursuant to § 26-2A-71.

It now appears that the Court has jurisdiction; that venue is proper; that said appointment of \_\_\_\_\_ as Guardian over \_\_\_\_\_ was made by \_\_\_\_\_; that notice of intention to become Guardian has been given to the minor and to such other parties as required by law; that the appointment made has become effective this day by the filing of said acceptance and proof; and that Letters of Guardianship should therefore issue.

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that the acceptance of \_\_\_\_\_ to become Guardian over \_\_\_\_\_ in accordance with § 26-2A-71 along with the proof of notice be filed and made a matter of record; and that Letters of Guardianship over \_\_\_\_\_ do forthwith issue to \_\_\_\_\_.

It is further **ORDERED** by the Court that \_\_\_\_\_ pay the costs of this proceeding, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**PETITION FOR LETTERS OF CONSERVATORSHIP**

**THE STATE OF ALABAMA**  
\_\_\_\_\_ **COUNTY**

**PROBATE COURT**  
\_\_\_\_\_ 20\_\_

To the Honorable: \_\_\_\_\_, Judge of Probate:

The undersigned, \_\_\_\_\_, your Petitioner, respectfully petitions the court pursuant to the ALABAMA UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT and represents unto your Honor:

That \_\_\_\_\_ is a [minor][incapacitated person], aged \_\_\_\_\_ years who was born on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

That the [minor child][incapacitated person][resides in this county at the following address \_\_\_\_\_][is present in the county at the commencement of these proceedings].

That the petitioner is the [parent] [legal guardian][spouse][child] [relative with whom person has resided prior 6 months] of the said minor.

That the petitioner has been appointed in writing by \_\_\_\_\_ in their \_\_\_\_\_, a copy of which is attached.

That all parental rights over the minor have been terminated by prior order of the court in civil action \_\_\_\_\_ in the \_\_\_\_\_ Court of \_\_\_\_\_ County, Alabama; [the minor's parents are deceased]; [the nominee \_\_\_\_\_ has failed to accept appointment]; [the legal conservator does not reside in this State].

That the following persons are to be notified of these proceedings pursuant to Ala. Code § 26-2A-103 [list names and addresses].

That the estate of the person for whom these proceedings are brought consist primarily of [general listing of assets including possible source of income] with an estimated value of [\$\_\_\_\_\_].

[That bond having been relieved by \_\_\_\_\_].

Now prays Your Honor that \_\_\_\_\_ may be appointed Conservator of the estate of aid [minor][incapacitated person] \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Address

---

THE STATE OF ALABAMA \_\_\_\_\_ COUNTY.

\_\_\_\_\_ being duly sworn, deposes and says that the facts averred in the above petition are true according to the best of \_\_\_\_\_ knowledge, information and belief.

\_\_\_\_\_  
Petitioner

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate

**CONSERVATOR OF AN INCAPACITATED PERSON  
ORDER FILING PETITION, SETTING DATE FOR  
HEARING, APPOINTING GUARDIAN AD LITEM,  
DOCTOR AND COURT REPRESENTATIVE**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ County \_\_\_\_\_, 20\_\_

This day came \_\_\_\_\_ and filed with the Court a petition to be appointed Conservator over the estate of \_\_\_\_\_. It is ORDERED by the Court that said petition be filed and set for hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ (a.m.) (p.m.).

It is further ORDERED by the Court that \_\_\_\_\_ a person learned in the law and practicing at the \_\_\_\_\_ Bar be and is hereby appointed as Guardian ad Litem to represent and protect the interest of the said \_\_\_\_\_ in this proceeding.

It is further ORDERED by the Court that \_\_\_\_\_ be appointed to make a medical evaluation of the said \_\_\_\_\_ and render a report as to such evaluation and that \_\_\_\_\_ be appointed as an official court representative and render a report as appropriate, both appointments being made pursuant to Ala. Code § 26-2A-1 et seq.

It is further ORDERED by the Court that the petitioner cause timely notice of these proceedings to issue to the appropriate parties pursuant to \_\_\_\_\_, (and in addition, to \_\_\_\_\_) and provide the Court with proof of same on or before the date of said hearing as heretofore set.

\_\_\_\_\_  
Judge of Probate

A. Petitions for protective proceedings, or other relief, etc. shall be set with written order and will include the appointment of a Guardian Ad Litem as instructed.

B. Pursuant to Sec. \_\_\_\_\_, a surety shall receive notice of all proceedings under conservatorships unless the same is waived by said surety.

**ORDER FILING BOND, ISSUING LETTERS OF  
CONSERVATORSHIP AND REQUIRING  
INVENTORY TO BE FILED**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ **Country**

\_\_\_\_\_, **20**\_\_\_\_\_

This day came \_\_\_\_\_ and filed bond in the sum of \$\_\_\_\_\_; and it now appears that bond is in the amount prescribed by the Court with good and sufficient surety, which bond has been taken and approved by the Judge of this Court; and upon due consideration:

It is ORDERED by the Court that Letters of Conservatorship over the Estate of \_\_\_\_\_ is hereby issued to \_\_\_\_\_ with the following limitations or additions endorsed thereon, viz:

It is further ORDERED by the Court that said Conservator file a complete inventory in writing and under oath of the estate subject to the conservatorship on or before \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**CONSERVATOR'S BOND**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ **COUNTY**

\_\_\_\_\_ **20**\_\_

Know all Men by these Presents, That we, \_\_\_\_\_ of the County and State aforesaid, are held and firmly bound unto \_\_\_\_\_ Judge of Probate of said County, and his successor in office, in the penal sum of \_\_\_\_\_ Dollars, for which payment, well and truly to be made and done, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

The Condition of the Above Obligation is such, That whereas, the above bound \_\_\_\_\_ has been appointed Conservator of the estate of \_\_\_\_\_.

Now, if the said \_\_\_\_\_ shall well and truly perform all the duties which are or may be by law required of (him/her) as such Conservator, then the above obligation to be void; otherwise to remain in full force and effect and we and each of us, hereby waive all rights of claim of exemption as to personal property we or either of us have not or may hereafter, have, under the Constitution and Laws of Alabama, and we hereby severally certify that we have property free from all encumbrance, to the full amount of the bond.

\_\_\_\_\_ (L.S.)

\_\_\_\_\_ (L.S.)

\_\_\_\_\_ (L.S.)

\_\_\_\_\_ (L.S.)

Taken, approved, and ordered to be recorded, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate



**ORDER ISSUING LETTERS OF CONSERVATORSHIP  
REQUIRING INVENTORY TO BE FILED,  
DIRECTING TRIENNIAL SETTLEMENT**

This day came \_\_\_\_\_ and filed bond in the sum of \$\_\_\_\_\_ and it now appears that said bond is in the amount prescribed by the Court with good and sufficient surety, which bond has been taken and approved by the Judge of this Court; and upon due consideration:

It is ORDERED by the Court that Letters of Conservatorship over the Estate of \_\_\_\_\_, do forthwith issue to \_\_\_\_\_ [with the following limitations endorsed thereon, viz:]

LIST LIMITATIONS, IF ANY

It is further ORDERED by the Court that said conservator file a complete inventory in writing and under oath of the estate subject to the conservatorship on or before (date - set on the closest Friday after the expiration of 90 days)

It is further ORDERED by the Court that said conservator file partial settlements of the administration of the conservatorship at least once every three years unless otherwise directed by the Court.

It is further ORDERED that said conservator appear before this Court on \_\_\_\_\_ date and render a status report on the condition of the estate subject to the conservator's possession and control.

\_\_\_\_\_  
Judge of Probate

MINOR AND INCAPACITATED PERSON (ESTATE)

**LETTERS OF CONSERVATORSHIP**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ **COUNTY**

\_\_\_\_\_ **20**\_\_

BE IT REMEMBERED, AND MADE KNOWN TO AL WHOM IT MAY CONCERN:

That on the application of The Conservator named below to my said Court I have caused these LETTERS OF CONSERVATORSHIP to issue in favor of the said \_\_\_\_\_, Conservator in and upon the Estate, real and personal property of, \_\_\_\_\_, a minor [protected person] and, in every case which occasion may require, the said Conservator is authorized and directed to exercise the following powers and duties:

[All powers and duties conferred under Ala. Code § 26-2A-152]

[List limitations to general powers and duties]

[List additional powers and duties granted]

as the lawful Conservator of the said minor ward.

Witness my hand and official seal this date \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate  
\_\_\_\_\_ County, Alabama

-----  
THE STATE OF ALABAMA

\_\_\_\_\_ **COUNTY**

I, \_\_\_\_\_, Judge of Probate, hereby certify that the foregoing is a true and correct copy of Letters of Conservatorship issued in favor of \_\_\_\_\_ as Conservator of \_\_\_\_\_ as same appears of record in my office.

Witness my hand and official seal this date \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate  
\_\_\_\_\_ County, Alabama

**CONSERVATOR'S SETTLEMENT NOTICE**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ COUNTY

\_\_\_\_\_, 20\_\_\_\_

TO: \_\_\_\_\_

Notice is hereby given that on this, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came \_\_\_\_\_ as Conservator of the Estate of \_\_\_\_\_, and filed (his/her) petition, account, and vouchers, for \_\_\_\_\_ settlement of said Estate.

It is ordered that the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, be, and the same hereby is, appointed as the day for the hearing of the said petition and for the auditing and stating of said account, at which time all persons interested may appear and contest the same, if they desire to do so.

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Judge of Probate

THE STATE OF ALABAMA

COUNTY OF \_\_\_\_\_

Service of the above notice is hereby accepted and service of the same by the sheriff, publication or otherwise is hereby waived.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

**PETITION FOR LETTERS OF GUARDIANSHIP  
AND CONSERVATORSHIP**

**STATE OF ALABAMA**                    )                    **PROBATE COURT**  
\_\_\_\_\_ **COUNTY**                    )                    \_\_\_\_\_, **20**\_\_.

To the Honorable \_\_\_\_\_, Judge of Probate.

The undersigned, \_\_\_\_\_, your Petitioner, respectfully petitions the court pursuant to the ALABAMA UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT and represents unto your Honor:

That \_\_\_\_\_ is an incapacitated person, aged \_\_\_\_\_ who was born on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

That the incapacitated person [resides in this county at the following address \_\_\_\_\_][is present in the county at the commencement of these proceedings].

The Petitioner is the [Legal Guardian][spouse][child][relative with whom person has resided prior six months] of the said incapacitated person.

That the Petitioner has been appointed in writing by \_\_\_\_\_ in their \_\_\_\_\_, a copy of which is attached.

That the following persons are to be notified of these proceedings pursuant to Ala. Code § 26-2A-103 [list names and addresses].

That the estate of the person for whom these proceedings are brought consist primarily of [general listing of assets including possible source of income] with an estimated value of [\$\_\_\_\_\_].

[That bond having been relieved by \_\_\_\_\_].

Now prays Your Honor that \_\_\_\_\_ be appointed Guardian and Conservator of said incapacitated person.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Address

---

STATE OF ALABAMA )

\_\_\_\_\_ COUNTY )

\_\_\_\_\_ being duly sworn, deposes and says that the facts averred in the above petition are true according to the best of \_\_\_\_\_ knowledge, information and belief.

\_\_\_\_\_  
Petitioner

Sworn to and subscribed before me, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Judge of Probate

**MINOR'S NOMINATION FOR GUARDIANSHIP  
AND CONSERVATORSHIP**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ COUNTY

\_\_\_\_\_, 20\_\_

KNOW ALL MEN BY THESE PRESENTS, That I, \_\_\_\_\_,  
a minor over the age of fourteen years, born on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, do hereby  
nominate \_\_\_\_\_ as my Guardian and Conservator.

I hereby respectfully request that the Probate Judge of \_\_\_\_\_ County,  
Alabama, make all such Orders and Decrees as may be necessary or proper to legally effectuate  
my guardianship and conservatorship.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
A minor, over the age of 14 years

STATE OF ALABAMA

\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public in and for the State of Alabama [at  
Large], do hereby certify that \_\_\_\_\_, a minor over the age of fourteen years,  
whose name is signed to the foregoing nomination for guardianship and conservatorship, and who  
is know to me, acknowledged before me on this day that being informed of the contents of said  
consent, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_

**ORDER FILING PETITION, SETTING DATE FOR HEARING,  
APPOINTING GUARDIAN AD LITEM**

**THE STATE OF ALABAMA**

**PROBATE COURT**

\_\_\_\_\_ **County**

\_\_\_\_\_ **20**\_\_

This day came \_\_\_\_\_ and filed with the Court a petition to be appointed Guardian and Conservator over the person and estate of \_\_\_\_\_. It is ORDERED by the Court that said petition be filed and set for hearing on the \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_(a.m.)(p.m.).

It is further ORDERED by the Court that \_\_\_\_\_ a person learned in the law and practicing at the \_\_\_\_\_ Bar be and is hereby appointed as Guardian ad Litem to represent and protect the interest of the said \_\_\_\_\_ in this proceeding.

It is further ORDERED by the Court that the petitioner cause timely notice of these proceedings to issue to the appropriate parties pursuant to \_\_\_\_\_, (and in addition, to \_\_\_\_\_) and provide the Court with proof of same on or before the date of said hearing as heretofore set.

\_\_\_\_\_  
Judge of Probate

- A. Petitions - for protective proceedings, or other relief, etc. shall be set with written order and will include the appointment of a Guardian Ad Litem as instructed.
- B. A surety shall receive notice of all proceedings of conservatorships unless waived by the surety.

**ORDER GRANTING PETITION FOR GUARDIANSHIP AND  
CONSERVATORSHIP UPON FILING BOND**

**THE STATE OF ALABAMA**  
\_\_\_\_\_ **COUNTY**

**PROBATE COURT**  
\_\_\_\_\_, **20**\_\_\_\_\_

This cause came on to be heard this date on the petition for the appointment of a Guardian and Conservator over the person and estate of \_\_\_\_\_ as filed by \_\_\_\_\_ pursuant to the ALABAMA UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT; it now appears to the Court that venue and jurisdiction are proper; and that notice of the proceedings has been given to those entitled and proof of same filed; [and that the Equity powers of the Court have been invoked; and

Now comes the said petition by and through (his/her) attorney \_\_\_\_\_, Esq.; and also comes the said \_\_\_\_\_ by and through (his/her) Guardian ad Litem, \_\_\_\_\_, Esq.; and [the Court notes for the record the presence of (name, etc.) at this hearing] OR [the Court notes for the record that (name, etc.) is not present at this hearing and finds that said person's absence is in his/her best interest]; and

Upon due consideration of the evidence adduced in this matter the Court does find that a basis for the appointment of a Guardian and Conservator has been established and that the best interest of the minor will be served by the following relief; and

It is therefore ORDERED, ADJUDGED AND DECREED by the Court, that the petition for the appointment of a Guardian and Conservator over the person and estate of \_\_\_\_\_ is hereby granted; and that \_\_\_\_\_ be and is hereby appointed Guardian and Conservator over said estate upon filing bond in the sum of \$ \_\_\_\_\_ with good and sufficient surety to be taken and approved by the Judge of this Court.

It is further ORDERED by the Court that said Guardian and Conservator shall have all the powers and duties conferred under Ala. Code § 26-2A-78 and § 26-2A-152 the above referenced act, [except the following : limitations, viz:

(specify limitations)]

[It is further ordered by the court that the said Guardian and Conservator in addition to the general powers of a Guardian and Conservator herein granted, the Guardian and Conservator are specially authorized the following powers and duties:

(specify additional powers)]

It is further **ORDERED** by the Court that the aforesaid limitations or additional powers be properly endorsed upon the face of the letters of conservatorship when issued.



It is further **ORDERED** by the Court that said Guardian and Conservator shall file written reports annually with the Court on the Condition of the ward and of the ward's estate that has been subject to the said Guardian's and Conservator's control, the first of which reports shall be due on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

It is further ORDERED by the Court that the costs of this proceeding, including a Guardian ad Litem fee of \$\_\_\_\_\_, be taxed against the estate of \_\_\_\_\_, FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

STATE OF ALABAMA )  
 )  
 \_\_\_\_\_ COUNTY )  
 )  
 \_\_\_\_\_ ) Case No. \_\_\_\_\_

**ORDER**

This cause coming on to be heard this date on the petition for a single transaction to establish a blocked account as filed by \_\_\_\_\_, pursuant to the **ALABAMA UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT** (*Ala. Code* § 26-2A-137 (1975) Act No. 87-590); and it now appears that the Court has jurisdiction; that venue is proper; and that notice of the proceeding has been given to those entitled and proof of same filed; and

Upon due consideration of the evidence adduced in this matter, the Court finds that said petition should be granted.

It is therefore, **ORDERED, ADJUDGED AND DECREED** by the Court that said petition is granted and that a blocked account will be established upon payment of funds into this Court, said funds are to be paid into this Court within 90 days of the date of this order.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

In the Matter of \_\_\_\_\_ :  
\_\_\_\_\_, : Case No. \_\_\_\_\_  
A minor.

**PETITION FOR A SINGLE TRANSACTION PROTECTIVE  
ARRANGEMENT FOR THE ESTABLISHMENT OF A BLOCK ACCOUNT  
(§ 26-2A-137)**

To: The Honorable Judge of Probate of \_\_\_\_\_ County:

Comes now \_\_\_\_\_, and petitions the Court to authorize and direct the establishment of a blocked account for the benefit of \_\_\_\_\_, a minor. Your petitioner would respectfully show unto the Court the following:

1. \_\_\_\_\_ is a minor, \_\_\_\_ years of age, born on \_\_\_\_\_ in \_\_\_\_\_ (Social Security Number \_\_\_\_\_) who resides at \_\_\_\_\_ in the custody of \_\_\_\_\_.
2. Your petitioner is the \_\_\_\_\_ of said minor and resides at \_\_\_\_\_.
3. Said minor has assets in the approximate sum of \$\_\_\_\_\_ as a result of \_\_\_\_\_ (describe in detail the source of such assets and the person or entity which has control of same).
4. There has been no conservatorship or the like established for said minor in this state or any other state or jurisdiction. (If this is not the case, an explanation with details should be provided to the Court).
5. The assets referred to above are not required for the maintenance and support of said minor and the placement of such assets in a blocked interest account under a protective order of the Court would be proper and in the best interest of said minor.

WHEREFORE, your Petitioner prays that the court will take jurisdiction over this matter and the parties, conduct hearings as may be necessary and grant the relief sought by authorizing and directing the referenced assets be placed in a blocked interest account under a protective order. Your petitioner prays for such other, further and different relief as may be proper, the premises considered.

\_\_\_\_\_  
Petitioner

**STATE OF ALABAMA** )

**COUNTY OF** \_\_\_\_\_ )

Before me, the undersigned Notary Public, personally appeared \_\_\_\_\_,  
who being by me first duly sworn, did depose and say that the statements contained in the foregoing  
petition are true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_  
Petitioner

**SWORN TO AND SUBSCRIBED**

before me this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner

STATE OF ALABAMA ) PROBATE COURT OF SAID COUNTY

\_\_\_\_\_ COUNTY )

\_\_\_\_\_ ) CASE NO. \_\_\_\_\_

**ORDER ESTABLISHING A BLOCKED ACCOUNT**

Now comes \_\_\_\_\_ and files in this Court funds in the sum of \_\_\_\_\_ due the above named minor; and

For due cause, it is **ORDERED** that the Accounts Clerk of this court shall proceed to establish an interest bearing blocked account, at \_\_\_\_\_, into which such assets will be placed.

It is further **ORDERED** that said bank shall not permit the withdrawal of said funds without specific orders of the Court. Upon the said minor attaining the age of majority, she may petition the Court to terminate the "Blocked Account" and for distribution of such funds and interest accrued.

The Accounts Clerk of this Court is hereby **DIRECTED** to forward copies of all bank agreements executed and other information to counsel of record and place additional copies in the Court's file.

A status hearing is set for \_\_\_\_\_ on the distribution of said funds.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**STATE OF ALABAMA  
AFFIDAVIT TO COURT TO  
COUNTY OF \_\_\_\_\_  
TERMINATE BLOCKED ACCOUNT**

To: \_\_\_\_\_, Judge of Probate  
\_\_\_\_\_ County, Alabama

Re: Request for payment of funds held by Court

Comes now the undersigned, after first being placed under oath, and states the following:  
**[please print]:**

1. My name is: \_\_\_\_\_
2. My address is: \_\_\_\_\_  
\_\_\_\_\_
3. My birth date is: \_\_\_\_\_
4. I am now: \_\_\_\_\_ years of age
5. My social security number is: \_\_\_\_\_
6. I understand that certain funds are on deposit with the Probate Court of \_\_\_\_\_ County which are now due to be paid to me, having now attained the age of majority. Request for such payment is hereby made to this Court.
7. For any questions, or discussions regarding this matter, Court personnel may contact me as follows: (please provide phone numbers and/or other addresses): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Attached to this affidavit is a copy of my driver's license or military ID. (**Note:** The notary shall affix his/her seal to said copy and attach same to this affidavit for further identification).

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of party

STATE OF ALABAMA )

COUNTY OF \_\_\_\_\_ )

Before me the undersigned notary public, in and for said county and state, appeared \_\_\_\_\_, who being known or made known to me, and after being first duly sworn, stated under oath that he/she read the foregoing statements in this affidavit and such are true and correct to the best of his/her knowledge and belief and that he/she executed the same on the date shown.

Done this \_\_\_ day of \_\_\_\_\_, 20\_\_.

(Seal)

\_\_\_\_\_  
Notary Public

Instructions, etc. ...

1. Attach a copy of your driver's license or birth certificate or military ID or a picture ID. The copy attached must bear the seal of the above notary public.
2. Mail this affidavit to: The Probate Court of \_\_\_\_\_ County  
\_\_\_\_\_  
\_\_\_\_\_
3. Receipt of your funds: If the Court approves this request for payment, your check will be mailed to you by certified mail to the address shown in the affidavit, which should be the same as that appearing on your driver's license or military ID. It will be restricted delivery and the receipt of same must be signed for by you.
4. Questions: If you, or the notary, have any questions, please call the Accounts Clerk at \_\_\_\_\_.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

\_\_\_\_\_ )

**ORDER TERMINATING BLOCKED ACCOUNT  
AND RELEASING FUNDS**

This cause is before the Court on a Petition to Terminate Blocked Account filed by \_\_\_\_\_ . This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute, local act and Constitutional provisions. Upon due consideration of the evidence presented, the Court **FINDS, CONCLUDES AND ORDERS** as follows:

- 1. Petition to Terminate Blocked Account is hereby **GRANTED**.
- 2. \_\_\_\_\_ is hereby directed to take the following action(s):
  - A. Pay the principal and accumulated interest currently being held in a blocked account at \_\_\_\_\_ in the name of \_\_\_\_\_, to **PROBATE COURT OF \_\_\_\_\_ COUNTY**.
- 3. The Accounts Clerk of Probate Court is directed to take the following action from the funds received from \_\_\_\_\_.
  - B. Pay the funds and interest received from \_\_\_\_\_ to \_\_\_\_\_.
- 4. Appeal time does not apply.

**ORDERED AND DECREED**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

C: Counsel of record



IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

\_\_\_\_\_ )

**ORDER TO EXPEND FUNDS FROM BLOCKED ACCOUNT**

This cause is before the Court on \_\_\_\_\_, on the Petition filed by \_\_\_\_\_.  
Appearances were noted in the record. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute, local act and Constitutional provisions. Upon due consideration of the evidence and argument presented, the Court **FINDS, CONCLUDES AND ORDERS** as follows:

1. Petition to Expend Funds from blocked account is hereby **GRANTED**.
2. \_\_\_\_\_ is hereby directed to take the following action(s):
  - A. From the principal and accumulated interest currently being held in a blocked account at \_\_\_\_\_ in the name of \_\_\_\_\_, pay the sum of \$\_\_\_\_\_ to **PROBATE COURT OF \_\_\_\_\_ COUNTY**.
3. The Accounts Clerk of Probate Court is directed to take the following action from the funds received from \_\_\_\_\_.
  - B. Pay costs of the Court in the sum of \$\_\_\_\_\_.
  - C. Pay the sum of \$\_\_\_\_\_ to \_\_\_\_\_.
4. Appeal time does not apply.

**ORDERED AND DECREED**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

C: Counsel of record

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ )

THE ESTATE OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

\_\_\_\_\_, )  
a protected person. )

**PETITION FOR PARTIAL SETTLEMENT**

COMES NOW Petitioner, \_\_\_\_\_ ("Petitioner"), as Conservator of the Estate of \_\_\_\_\_, a protected person ("Ward"), and says as follows:

1. Petitioner is the duly appointed and acting conservator of the estate of the Ward.
2. Petitioner says that it is appropriate to make a partial settlement and accounting of the conservatorship for the period of his/her service, namely, \_\_\_\_\_, through \_\_\_\_\_. Petitioner attaches hereto as exhibit "A" an accounting, showing all receipts and disbursements made by him/her as Conservator and said disbursements are supported by vouchers, and Petitioner's accounting is verified by his/her affidavit. Petitioner has used no part of the Ward's estate for his/her own personal use and benefit.
3. In recapitulation, Petitioner has received funds totaling \$\_\_\_\_ and has made disbursements totaling \$\_\_\_\_\_ leaving a balance on hand of \$\_\_\_\_\_ as of \_\_\_\_\_, 20\_\_\_\_, represented by checking account balance of \$\_\_\_\_\_ and certificates of deposit totaling \$\_\_\_\_\_. A bank certificate is attached hereto as Exhibit "B" showing the bank balance as of the date indicated, which may differ from Petitioner's reported balance because of interest earned or checks issued by Petitioner but not yet cleared at the bank. There are no non-cash assets owned by the Ward, to the best of Petitioner's knowledge, information and belief, except as may be identified on the recapitulation page attached hereto as Exhibit "C".
4. Petitioner asks this Court to fix, ratify and award him/her commissions and compensation to which he/she is entitled by law, together with reimbursement of expenses, and including fees to which he/she is entitled for having provided legal services to this estate during the period of service. An invoice itemizing the total amounts requested as compensation is attached hereto as Exhibit "D".

**WHEREFORE**, Petitioner prays that upon the filing of this petition, the Court will appoint a day for the hearing hereof, will direct that notice be given as provided by law; that upon the hearing thereof, the Court will audit, pass and allow the account of Petitioner as conservator, that the Court will fix and allow to Petitioner compensation to which he/she is by law entitled as conservator, including commissions, fees and reimbursement of expenses; and will grant such other relief as shall be appropriate.

DATED: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Conservator of the Estate of \_\_\_\_\_  
\_\_\_\_\_, a Minor

OF COUNSEL:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATE OF ALABAMA** )  
**COUNTY OF \_\_\_\_\_** )

Before me, the undersigned authority in and for said state and county, personally appeared \_\_\_\_\_, who, known to me to be the Conservator of the Estate of \_\_\_\_\_, a minor, and having been first duly sworn, did depose and say that he/she signed the foregoing instrument and that he/she is informed and believes, and upon such information and belief avers, that the matters and facts contained therein are true and correct; further, that he/she is familiar with the statement of accounting attached hereto and that the matters and facts contained in said accounting are true and correct.

\_\_\_\_\_

Sworn to and subscribed before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(AFFIX NOTARIAL SEAL)

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:\_\_\_\_\_

RECAPITULATION

1. Real Property

A. Property having a street address of \_\_\_\_\_  
\_\_\_\_\_.

B. Property located in Township \_\_\_\_\_, Range \_\_\_\_\_, more particularly described as follows:

2. Personal Property - Cash

A. \_\_\_\_\_ Bank Checking Account  
Account No. \_\_\_\_\_ \$ \_\_\_\_\_

B. \_\_\_\_\_ Bank Savings Account  
Account No. \_\_\_\_\_ \$ \_\_\_\_\_

A. \_\_\_\_\_ Bank Certificate of Deposit  
CD No. \_\_\_\_\_ \$ \_\_\_\_\_

A. \_\_\_\_\_ Bank Certificate of Deposit  
CD No. \_\_\_\_\_ \$ \_\_\_\_\_

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ )

THE ESTATE OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Deceased )

**ANNUAL ACCOUNTING AND PETITION FOR  
PARTIAL SETTLEMENT BY ADMINISTRATOR**

Comes now your Personal Representative, \_\_\_\_\_, and shows unto the court and to Your Honor as follows:

1. \_\_\_\_\_ is the duly appointed Personal Representative of the Estate of \_\_\_\_\_, acting pursuant to Letters of Administration issued by this Court on \_\_\_\_\_ and more than six (6) months have elapsed since Petitioner's appointment.

2. The persons entitled to notice of this proceeding and are the heirs at law and next of kin of the decedent are:

Name/Address	Relationship	Age	Condition of Mind
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. Since the appointment as Personal Representative there have been receipts totaling \$\_\_\_\_\_ as detailed on Schedule "A" attached hereto, and has made disbursements in the amount of \$\_\_\_\_\_, as shown on the attached Schedule "B", leaving a balance on hand in the amount of \$\_\_\_\_\_.

4. All estate assets received by the Personal Representative are held in deposit in the following banks in the account numbers and with the balances as indicated:

the original bank statements for that account are attached hereto.

5. There are also \_\_\_\_\_ shares of \_\_\_\_\_ stock which the Personal Representative is in the process of having transferred into the estate for disbursement to the heirs.

6. The only non-cash asset of the estate as of the date of this report is the potential of a recovery in a pending civil litigation.

7. The Personal Representative has not used any estate assets for his/her own benefit

and all disbursements made by him/her were in the lawful discharge of his/her duties as Personal Representative.

WHEREFORE, your Petitioner prays that the Court will (1) appoint a day for the hearing of this petition and accounting and give notice thereof, as required by law; (2) appoint a Guardian ad Litem to represent the interest of any distributees who are not of legal age; (3) examine and audit Petitioner's account on the day appointed, and upon the audit of the same, pass and allow the same as stated; (4) fix and allow commissions and fees to your Petitioner as the Personal Representative and grant such other, further and different relief as he/she may be entitled to received in these proceedings.

\_\_\_\_\_  
Personal Representative

STATE OF ALABAMA )

COUNTY OF \_\_\_\_\_ )

Personally appeared before me, the undersigned, a Notary Public in and for said State and County, \_\_\_\_\_, who is known to me, and who being by and first duly sworn, on oath, deposes and says that he/she has read the foregoing petition and the facts contained herein, and that the allegations of fact therein are true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_  
Personal Representative

SWORN TO AND SUBSCRIBED before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE AT LARGE  
My Commission Expires;\_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF )  
THE ESTATE OF ) CASE NO. \_\_\_\_\_  
\_\_\_\_\_) )  
an incapacitated person. )

**MOTION TO RESTORE WARD TO COMPETENCY**

COMES NOW, \_\_\_\_\_, as  
\_\_\_\_\_ of the Estate of \_\_\_\_\_, and moves this  
Honorable Court to conduct such proceedings as required to restore the said  
\_\_\_\_\_, an incapacitated person, to competency. In support of said motion,  
attached as evidence, are letters/reports, from Dr. \_\_\_\_\_ and Dr. \_\_\_\_\_ for  
the Court to consider in this matter.

WHEREFORE, Petitioner prays that upon the filing of this petition, the Court will appoint  
a day for the hearing of this motion and that upon the hearing hereof, the Court will restore the  
said \_\_\_\_\_ to competency, and your Petitioner prays for such other, further and  
different relief, the premises considered.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_ of the Estate of  
\_\_\_\_\_, an  
incapacitated person

**STATE OF ALABAMA** )

**COUNTY OF \_\_\_\_\_** )

Before me, the undersigned authority in and for said state and county, personally appeared \_\_\_\_\_, who being by me first duly sworn, did depose and say that he/she signed the foregoing petition and that he/she is informed and believes, and upon such information and belief avers that the matters and facts contained therein are true and correct.

\_\_\_\_\_  
Petitioner

**SWORN TO AND SUBSCRIBED**

before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner



IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ : CASE NO. \_\_\_\_\_

\_\_\_\_\_ : DATE: \_\_\_\_\_

In Re:

**ORDER RESTORING WARD TO  
COMPETENCY AND DIRECTING FINAL SETTLEMENT**

This cause came on to be heard this date on the Motion to terminate guardianship and conservatorship as filed by \_\_\_\_\_; and

Now comes the said petitioner by and through \_\_\_\_\_, Attorney, Esq.; and also comes the said \_\_\_\_\_ by and through \_\_\_\_\_, Guardian ad Litem, Esq.; and

Upon due consideration of the evidence adduced in this matter, the Court does FIND that said \_\_\_\_\_ is due to be and is hereby restored to competency; that the petition for letters of guardianship and conservatorship be and the same are hereby dismissed; that the letters of guardianship and conservatorship heretofore issued to \_\_\_\_\_ be and the same are hereby revoked; and that the estate of \_\_\_\_\_ be and is hereby restored to the custody and management of \_\_\_\_\_.

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that \_\_\_\_\_ file in this Court on or before \_\_\_\_\_ petition and accounts for final settlement in the above entitled cause.

It is further **ORDERED** by the Court that the attorney of record, \_\_\_\_\_, Esq., is granted authority to notify any and all parties as to this ruling.

It is further **ORDERED** by the Court that the costs of this proceeding, including a Guardian ad Litem fee of \$\_\_\_\_\_, be taxed against \_\_\_\_\_, **FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF THE LEGITIMATION )

OF: \_\_\_\_\_ )

BY: \_\_\_\_\_ )

CASE NO. \_\_\_\_\_

AND CHANGE OF NAME TO: \_\_\_\_\_ )

\_\_\_\_\_ )

DECLARATION OF LEGITIMATION

TO: \_\_\_\_\_

Judge of Probate, \_\_\_\_\_ County, Alabama

I, \_\_\_\_\_, a resident of \_\_\_\_\_ County, State of Alabama, do hereby declare that I am the father of \_\_\_\_\_, who is a (fe)male child, whose date of birth is \_\_\_\_\_, whose mother is \_\_\_\_\_, that said child was born out of wedlock in \_\_\_\_\_ County, and I hereby file this Declaration of Legitimation for the purpose of recognizing said child as my own, capable of inheriting my estate, real and personal, as if born out of wedlock. I further declare that I want said child to bear and be known by the name of \_\_\_\_\_ in place of the name given at birth.

In testimony whereof, I hereunto subscribe my name on this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Father

We, \_\_\_\_\_ and \_\_\_\_\_, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that \_\_\_\_\_, knowing the contents of this instrument, signed it willingly, and to the best of our knowledge, that he is over the age of nineteen and of sound mind and under no constraint or undue influence to sign said instrument.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Address

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Address

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF THE LEGITIMATION )

OF: \_\_\_\_\_ )

BY: \_\_\_\_\_ )

CASE NO. \_\_\_\_\_

AND CHANGE OF NAME TO: )

\_\_\_\_\_ )

**DECLARATION OF LEGITIMATION  
(Alternative)**

TO THE HONORABLE \_\_\_\_\_,  
Judge of Probate, \_\_\_\_\_ County.

I, \_\_\_\_\_, a resident of \_\_\_\_\_ County, State of Alabama, do hereby declare that I am the father of \_\_\_\_\_, who is a \_\_\_\_\_ child, whose birth date is \_\_\_\_\_, whose mother is \_\_\_\_\_, that said child was born out of wedlock in \_\_\_\_\_ County, and I hereby file this Declaration of Legitimation for the purpose of recognizing said child as my own, capable of inheriting my estate, real and personal, as if born in wedlock. I further declare that I want said child to bear and be known by the name of \_\_\_\_\_ in place of the name given at birth.

In Testimony Whereof, I hereunto subscribe my name on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Witnesses:

\_\_\_\_\_

(Father's Signature)

Place of Birth: \_\_\_\_\_

Address

\_\_\_\_\_

(Mother's Signature)

Address

**THE STATE OF ALABAMA**

\_\_\_\_\_ **COUNTY**

I, \_\_\_\_\_ Judge of Probate in and for said county in said state, hereby certify that \_\_\_\_\_ whose name is signed to the foregoing declaration of legitimation, and who is known to me, acknowledged before me on this day that, being informed of the contest of the declaration of legitimation, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL)

\_\_\_\_\_  
Judge of Probate Court

Filed and recorded on the Minutes of the Probate Court of \_\_\_\_\_ County, Alabama on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate Court

**APPOINTMENT OF GUARDIAN AD LITEM**

**THE STATE OF ALABAMA**

\_\_\_\_\_ **COUNTY**

**PROBATE COURT**

TO: \_\_\_\_\_

Take Notice, That by an order of this Court, this day made and entered, you were appointed to act as Guardian ad litem for \_\_\_\_\_ to represent and protect (his)(her) interests upon the legitimation petition and petition to change the name of \_\_\_\_\_ to \_\_\_\_\_.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate

I hereby accept the appointment of Guardian ad litem for \_\_\_\_\_ to represent and protect the interests upon the hearing of the above named proceedings and hereby deny each and every allegation contained in said proceedings and demand proof thereof.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Guardian ad Litem

**CONSENT OF MOTHER**

**IN THE MATTER OF:**

**IN THE PROBATE COURT OF**

\_\_\_\_\_

\_\_\_\_\_ **COUNTY, ALABAMA**

**TO LEGITIMATE:** \_\_\_\_\_

**AND CHANGE NAME TO:**

**CASE NO.** \_\_\_\_\_

\_\_\_\_\_

Comes Now, \_\_\_\_\_ and shows unto the Court as follows: That she is a resident, citizen of \_\_\_\_\_ County, Alabama and of legal age and is the mother of \_\_\_\_\_ born at \_\_\_\_\_ County, Alabama on \_\_\_\_\_.

I hereby consent to the Legitimation of my child \_\_\_\_\_ by \_\_\_\_\_ and consent that said child's name be changed to \_\_\_\_\_ and waive any other or further notice thereof.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Subscribed and sworn to before me

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

**DECREE OF LEGITIMATION AND CHANGE OF NAME**

**IN THE MATTER OF:**

\_\_\_\_\_

**IN THE PROBATE COURT OF**

\_\_\_\_\_ **COUNTY, ALABAMA**

**TO LEGITIMATE:** \_\_\_\_\_

**AND CHANGE NAME TO:**

\_\_\_\_\_

**CASE NO.** \_\_\_\_\_

This Cause, coming for hearing is submitted on the filing in this Court "Notice of Declaration to Legitimate" by \_\_\_\_\_ seeking to legitimate \_\_\_\_\_ whose birth date is \_\_\_\_\_ and further declaring that he desires said child's name be changed to \_\_\_\_\_ and,

It Appearing to the Court that \_\_\_\_\_ the mother of said child has accepted service of the filing of said Declaration to Legitimate and has consented to same and has consented that said child's name be changed to \_\_\_\_\_ and has waived any other or further notice thereof and

It Further Appears to the Court that \_\_\_\_\_ guardian ad litem for the said child has accepted his appointment and filed an answer to the Declaration to Legitimate on behalf of the said minor child denying each and every allegation of the declaration and demanding proof.

It is Therefore Ordered by the Court upon the pleadings and proof presented ore tenus, that said Declaration to Legitimate be, and the same is hereby granted and that said child's name from this date forward shall be and is hereby changed to \_\_\_\_\_.

This the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate  
Court of \_\_\_\_\_ County, Alabama

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF )  
THE NAME CHANGE OF )

\_\_\_\_\_ )

Case Number: \_\_\_\_\_ )

)

**PETITION AND DECLARATION FOR ADULT NAME CHANGE**

COMES NOW, \_\_\_\_\_, as petitioner ("Petitioner"), and shows unto the Court as follows:

1. Petitioner's present true and correct legal name is \_\_\_\_\_.
2. Petitioner is a bona fide resident of \_\_\_\_\_ County, Alabama, residing at \_\_\_\_\_.
3. Petitioner is not presently a party to any judicial proceeding in any court in any jurisdiction.
4. Petitioner is not presently a defendant in any criminal proceeding.
5. Petitioner is not seeking to conceal his/her identity from anyone.
6. Petitioner is not attempting to avoid payment of any debt or judgment and is not attempting to defraud any person.
7. Petitioner has never been convicted of any felony or crime involving moral turpitude.
8. Petitioner is \_\_\_\_\_ years of age, his/her date of birth being \_\_\_\_\_.
9. Petitioner desires to change Petitioner's name because \_\_\_\_\_.
10. Petitioner requests that the Court change Petitioner's name to \_\_\_\_\_.

WHEREFORE, Petitioner prays that the Court will grant this petition and will issue a decree changing Petitioner's name as requested.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Petitioner



Petitioner's Address and Telephone Number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner

Address and Telephone Number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF ALABAMA  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, in and for said State and County, personally appeared \_\_\_\_\_, who being known to me and after being sworn by me, doth state on oath that he/she executed the aforesaid Petition and Declaration, the statements contained in the aforesaid Petition and Declaration are true and correct to the best of his/her information, knowledge and belief, and he/she executed the same voluntarily on the day the same bears date.

In witness whereof, I set my hand and notarial seal on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires:\_\_\_\_\_

(AFFIX NOTARY SEAL)

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ : Case No. \_\_\_\_\_

\_\_\_\_\_  
Name : Date: \_\_\_\_\_

**ORDER**

This cause came before the Court on \_\_\_\_\_, 20\_\_\_\_, on the Petition \_\_\_\_\_ filed by \_\_\_\_\_ . Appearances were noted in the record. This cause is properly before the Court pursuant to its jurisdiction and authority as conferred by statute, local act and Constitutional provisions. Upon due consideration of the evidence and argument presented, the Court FINDS, CONCLUDES AND ORDERS as follows:

- 1. The petition for change of name is **GRANTED** and that the name of \_\_\_\_\_ be and the same is hereby changed to \_\_\_\_\_.

**ORDERED AND DECREED**

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

C: Counsel of record

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF )  
THE NAME CHANGE OF )  
 )  
\_\_\_\_\_ )  
a Minor. )

Case Number: \_\_\_\_\_

**PETITION AND DECLARATION FOR MINOR NAME CHANGE**

COMES NOW, \_\_\_\_\_, as petitioner ("Petitioner"), and shows unto the Court as follows:

1. \_\_\_\_\_ is a minor ("Minor"), who is \_\_\_\_\_ of age, his/her date of birth being \_\_\_\_\_.
2. Minor is a bona fide resident of \_\_\_\_\_ County, Alabama, residing at \_\_\_\_\_.
3. Minor is not presently a party to any judicial proceeding in any court in any jurisdiction.
4. Minor is not presently a defendant in any criminal proceeding.
5. Petitioner is not seeking to conceal the Minor's identity from anyone.
6. Neither the Petitioner, nor the Minor are attempting to avoid payment of any debt or judgment and is not attempting to defraud any person.
7. Minor has never been convicted of any felony or crime involving moral turpitude.
8. Petitioner desires to change Minor's name because \_\_\_\_\_  
\_\_\_\_\_.
10. Petitioner requests that the Court change Minor's name to \_\_\_\_\_.

WHEREFORE, Petitioner prays that the Court will grant this petition and will issue a decree changing Minor's name as requested.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Petitioner

Petitioner's Address and Telephone Number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner

Address and Telephone Number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATE OF ALABAMA** )  
**COUNTY OF \_\_\_\_\_** )

Before me, the undersigned authority, in and for said State and County, personally appeared \_\_\_\_\_, who being known to me and after being sworn by me, doth state on oath that he/she executed the aforesaid Petition and Declaration, the statements contained in the aforesaid Petition and Declaration are true and correct to the best of his/her information, knowledge and belief, and he/she executed the same voluntarily on the day the same bears date.

In witness whereof, I set my hand and notarial seal on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires:\_\_\_\_\_

(AFFIX NOTARY SEAL)

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF )

) Case Number \_\_\_\_\_

\_\_\_\_\_ )  
a minor. )

**AFFIDAVIT OF UNKNOWN FATHER**

STATE OF ALABAMA )

COUNTY OF \_\_\_\_\_ )

Before me, the undersigned authority, in and for said State and County, personally appeared \_\_\_\_\_, who being known to me and after being sworn by me, doth depose on oath and state as follows:

1. My name is \_\_\_\_\_.
2. I am the mother of \_\_\_\_\_, a minor ("Minor").
3. I do not know the identity of the father of the Minor.
4. The statements contained in this Affidavit are true and correct to the best of my information, knowledge and belief.
5. In verification of the truthfulness of the statements contained herein, I subscribe my signature below.

\_\_\_\_\_  
Mother

Sworn to and subscribed before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(AFFIX NOTARY SEAL)

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF )

Case Number \_\_\_\_\_ )

\_\_\_\_\_, )  
a minor. )

CONSENT TO MINOR NAME CHANGE

KNOW ALL MEN BY THESE PRESENTS that I, \_\_\_\_\_, the father/mother of \_\_\_\_\_, a minor born on \_\_\_\_\_, \_\_\_\_\_, do hereby consent to the petition of \_\_\_\_\_, to have the above said minor's name changed to \_\_\_\_\_.

I acknowledge that I am executing this document voluntarily and of my own free will. I acknowledge that I understand that if the petition is granted and the above said minor's name is changed, the changing of the minor's name will not affect any legal duties or obligations I may owe to the above said minor.

I consent to the Court making all such orders and decrees as may be necessary or proper to legally effectuate the said name change.

Dated: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Father/Mother

STATE OF ALABAMA )  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned authority, in and for said State and County, personally appeared \_\_\_\_\_, who being known to me and after being sworn by me, doth state on oath that he/she executed the aforesaid Consent, the statements contained in the aforesaid Consent are true and correct to the best of his/her information, knowledge and belief, and he/she executed the same voluntarily on the day the same bears date.

In witness whereof, I set my hand and notarial seal on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires:\_\_\_\_\_

(AFFIX NOTARY SEAL)

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ ) Case No. \_\_\_\_\_  
\_\_\_\_\_ )  
\_\_\_\_\_ )

**ORDER**

Said matter is now properly before the Court pursuant to its jurisdiction and authority as conferred by statute and constitutional provisions; and on due consideration of the pleading and evidence, the following ORDER AND RULING is hereby issued.

1. Petition for change of name is **GRANTED**.
2. Name of \_\_\_\_\_ is changed to \_\_\_\_\_.
3. Costs are taxed to petitioner.

**ORDERED AND DECREED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

## OATH OF OFFICE

I \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, So help me God.



**PETITION FOR PROBATE OF WILL**

**THE STATE OF ALABAMA, \_\_\_\_\_ COUNTY  
PROBATE COURT**

The Petition of \_\_\_\_\_ for the Probate of the Will of  
\_\_\_\_\_ Deceased.

To the Honorable \_\_\_\_\_ Judge of Probate, \_\_\_\_\_ County.

The Petitioner \_\_\_\_\_ represents that \_\_\_\_ died in  
\_\_\_\_\_ County, on or about the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and was at the time of  
death domiciled in this County and State, leaving assets in this State and leaving a will duly signed  
by him/her and (attested by \_\_\_\_\_) (that said Will is a self-proved will);  
and that Petitioner believes \_\_\_\_\_ is named in the said will as Personal  
Representative, and does now herewith surrender the said will to the Court.

Your Petitioner further represents that \_\_\_\_\_ is the spouse of the said  
Decedent and resides at \_\_\_\_\_, and that the said spouse is nineteen years of  
age, and that the names, ages and conditions of the next of kin are as follows, viz:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Premises Considered, your petitioner respectfully prays that the said Will of the said  
Decedent may be probated and admitted to record as the true Will of the said deceased, and that  
the said spouse and next of kin be given notice of this application as required by law, and that all  
such orders and decrees including an order granting letters testamentary, be made by this  
Honorable Court which may seem proper.

\_\_\_\_\_  
Petitioner

**STATE OF ALABAMA**

\_\_\_\_\_ **COUNTY**

\_\_\_\_\_ being duly sworn, deposeth and says an oath:

That the allegations contained in the foregoing petition are true, according to the best of his/her knowledge; information and belief.

\_\_\_\_\_  
Petitioner

Subscribed and sworn to before me, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate, \_\_\_\_\_ County

**ORDER FIXING DAY FOR HEARING ON PROBATE OF WILL  
AND APPOINTMENT OF GUARDIAN AD LITEM**

**THE STATE OF ALABAMA \_\_\_\_\_ COUNTY**

**PROBATE COURT**

In the Matter of the Application of \_\_\_\_\_

To Admit to Probate an Instrument Purporting to be the Last Will and Testament of \_\_\_\_\_, Deceased.

This day came \_\_\_\_\_ and filed his petition in writing and under oath, praying for an order of this Court, admitting to probate an instrument purporting to be the Last Will and Testament of \_\_\_\_\_, deceased.

It is Ordered, Adjudged and Decreed by the Court that the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, be, and the same hereby is fixed by the Court as the day and time for the hearing on the said petition.

It is Further Ordered, Adjudged and Decreed by the Court that notice be issued and served upon \_\_\_\_\_

\_\_\_\_\_ the widow and next of kin, of the filing of the said application and of the day and time fixed by the Court for the hearing thereon.

It is Further Ordered, Adjudged and Decreed by the Court that \_\_\_\_\_, a practicing Attorney at Law, be, and he hereby is appointed by the Court as Guardian Ad Litem to represent \_\_\_\_\_ and \_\_\_\_\_ defend \_\_\_\_\_ the \_\_\_\_\_ interest \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ the minors interested in the said proceedings, on the said hearing.

Witness my hand this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge of Probate

**NOTICE TO WITNESS TO PROBATE WILL**

**THE STATE OF ALABAMA** )

\_\_\_\_\_ **COUNTY** )

**PROBATE COURT**

To any Sheriff of the State of Alabama:

You are hereby commanded to summon \_\_\_\_\_ to appear in and before the Probate Court of said County, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, to give evidence in a certain matter now pending in said Court, wherein \_\_\_\_\_ has filed for Probate an instrument purporting to be the will of \_\_\_\_\_ deceased.

You shall not omit this, under the penalty prescribed by law. Herein fail not, and have you then and there this writ at the office of the Judge of said Court.

Witness, \_\_\_\_\_, Judge of said Court at office, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate.

Ala. Code § 43-8-191 (1975)

**PROOF OF WILL**

**THE STATE OF ALABAMA \_\_\_\_\_ COUNTY**

**PROBATE COURT**

\_\_\_\_\_, 20\_\_

In the Matter of the Estate of \_\_\_\_\_, Deceased.

Present, \_\_\_\_\_, Judge of Probate.

Before me, \_\_\_\_\_, Judge of Probate, in and for said County, personally appeared in open Court \_\_\_\_\_ who, having been by me first duly sworn and examined, did depose and say on oath, that as a subscribing witness to the instrument of writing now shown to him/her and which purports to be the Last Will and Testament of \_\_\_\_\_, deceased, late an inhabitant of this County, that said \_\_\_\_\_ signed and executed said instrument on the day the same bears date, and declared the same to be \_\_\_\_ Last Will and Testament, and that affiant set his/her signature thereto on the day the same bears date as a subscribing witness to the same in the presence of said testator and that the other witness subscribed his name as a witness in his/her presence and in the presence of said testator. That said \_\_\_\_\_ was of sound mind and disposing memory, and in the opinion of the deponent fully capable of making a Will at the time the same was so made as aforesaid. Affiant further states that said testator was on the day of the said date of said Will over the age of 18 years.

\_\_\_\_\_(L.S.)

\_\_\_\_\_(L.S.)

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate

**PROOF OF WILL FOR SELF PROVING WILL**

**THE STATE OF ALABAMA**                    )  
\_\_\_\_\_ **COUNTY**                        )

PROBATE COURT

\_\_\_\_\_, 20\_\_

In the Matter of the Estate of \_\_\_\_\_, Deceased.

Present, Honorable \_\_\_\_\_, Judge of Probate.

Pursuant to Ala. Code § 43-8-132 (1975, as amended 1984) proof of proper execution of the Will and Codicil by the decedent by actual testimony of a witness thereto is not required due to the Will and Codicil being self-proving pursuant to the provisions of said Section.

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate

Ala. Code § 43-8-132 (1975, as amended)

**DECREE ADMITTING WILL TO PROBATE  
& GRANTING LETTERS TESTAMENTARY**

**THE STATE OF ALABAMA**  
**COUNTY OF \_\_\_\_\_**

**IN THE PROBATE COURT OF**  
**\_\_\_\_\_ COUNTY, ALABAMA**

**IN THE MATTER OF THE PETITION OF \_\_\_\_\_ TO HAVE ADMITTED  
TO PROBATE AND RECORD AN INSTRUMENT WHICH PURPORTS TO BE THE  
WILL OF \_\_\_\_\_, DECEASED.**

TO THE HONORABLE \_\_\_\_\_, JUDGE OF THE PROBATE  
COURT IN AND FOR \_\_\_\_\_ COUNTY.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_, being the date set by this Court for the hearing of the petition of \_\_\_\_\_ to have admitted to Probate and Record an instrument which purports to be the Will of \_\_\_\_\_, deceased, [notice having been issued and served as required by law upon the spouse and next of kin,] [service of notice having been accepted by those who are over the age of nineteen years and of sound mind], and the Court having heard the evidence offered and the Court being satisfied from the said evidence that the instrument, which purports to be the Will of the said decedent is the legal Will of the said decedent.

**IT IS THEREFORE, ORDERED** by this Court that the said instrument which purports to be the Will of the said decedent was duly and legally executed by \_\_\_\_\_; that the said instrument is the legal Will of the said decedent; that the said Will is hereby admitted to Probate and Record in this Court; and that pursuant to Code of Alabama § 43-2-21 (1975), Letters Testamentary be granted to \_\_\_\_\_ as Personal Representative under said Will.

It is further **ORDERED** by this Court that the said Personal Representative shall have all the powers and duties provided in the Will and all the general powers, without limitation, [**EXCEPT** for the powers in numbers \_\_\_\_] authorized for transactions enumerated in Code of Alabama § 43-2-843 (1975, as amended) as follows:

1. Retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment.
2. Receive assets from fiduciaries, or other sources.
3. Perform, compromise, or refuse performance of the decedent's contracts that continue as obligations of the estate, as the personal representative may determine under the circumstances. In performing enforceable contracts by the decedent to convey or lease land, the personal representative, among other possible courses of action, may do either of the following:
  - a. Execute and deliver a deed of conveyance for cash payment of all sums remaining due or the purchaser's note for the sum remaining due secured by

- a mortgage or deed of trust on the land.
- b. Deliver a deed in escrow with directions that the proceeds when paid in accordance with the escrow agreement, be paid to the successors of the decedent, as designated in the escrow agreement.
4. Satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances.
  5. If funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements, or other prudent investments which would be reasonable for use by trustees generally.
  6. Abandon personal property when, in the opinion of the personal representative, it is valueless, or is so encumbered, or is in condition that it is of no benefit to the estate.
  7. Vote stocks or other securities in person or by general or limited proxy.
  8. Pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims.
  9. Hold a security in the name of a nominee or in other form without disclosure of the interest of the estate but the personal representative is liable for any act of the nominee in connection with the security so held.
  10. Insure the assets of the estate against damage, loss, and liability and the personal representative against liability as to third persons.
  11. Borrow money without security or with security of personal property to be repaid from the estate assets or otherwise; and advance money for the protection of the estate.
  12. Effect a fair and reasonable compromise with any debtor or obligor, or extend, renew, or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge, or other lien upon property of another person, the personal representative may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by the lien.
  13. Pay taxes, assessments, and other expenses incident to the administration of the estate.
  14. Sell or exercise stock subscription or conversion rights; consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise.
  15. Enter for any purpose into a lease as lessor or lessee, with or without option to purchase or renew, for a term not to exceed one year.
  16. Allocate items of income or expense to either estate income or principal, as permitted or provided by law.
  17. Employ necessary persons, including appraisers, attorneys, auditors (who may include certified public accountants, public accountants, or internal auditors), investment advisors, or agents, even if they are associated with the personal



representative, to advise or assist the personal representative in the performance of administrative duties; act without independent investigation upon recommendations of agents or advisors; and instead of acting personally, employ one or more agents to perform any act of administration, whether or not discretionary.

18. Prosecute or defend claims or proceedings in any jurisdiction for the protection or benefit of the estate and of the personal representative in the performance of duties of the personal representative.
19. Continue any unincorporated business or venture in which the decedent was engaged at the time of death as provided in any of the following:
  - a. In the same business form for a period of not more than one year from the date of appointment of a general personal representative if continuation is a reasonable means of preserving the value of the business including good will.
  - b. In the same business form for any additional period of time that may be approved by order of the court in a proceeding to which the persons interested in the estate are parties.
  - c. Throughout the period of administration if the business is incorporated by the personal representative and if none of the probable distributees of the business who are competent adults object to its incorporation and retention in the estate.
20. Incorporate any business or venture in which the decedent was engaged at the time of death.
21. Provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate.
22. Satisfy and settle claims and distribute the estate as provided in Title 43 of the Code of Alabama 1975.

[It is further ORDERED by this Court that the said Personal Representative, in addition to the general powers of a Personal Representative and those expressly authorized in the Will, is specifically granted the powers and duties to act in transactions as follows:

*[copy all transactions enumerated in Code of Alabama  
(1975, as amended) §43-2-844, or those transactions for  
which the Probate Judge is willing to grant prior  
court approval by category]]*

It is further ORDERED by the Court that the aforesaid limitations or additional powers be prominently endorsed upon the face of the Letters of Testamentary when issued.

It is further ORDERED that the said Personal Representative proceed without delay to collect and take possession or control of the personal property and evidences of debt of the said decedent, except the personal property exempted under Ala. Code § 43-8-111 (1975, as amended), in favor of the surviving spouse [and make due return under oath, to this Court, of a full and complete inventory thereof within two (2) months]. [The Will expressly relieves the Personal

Representative of the requirement to file an inventory.] The said [self-proved Will] [Will of the decedent, together with the evidence and testimony of the subscribing witnesses,] be recorded in the Probate Records of \_\_\_\_\_ County, Alabama, as provided by law.

DONE IN OPEN COURT on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

**Judge of Probate**

COUNTY OF \_\_\_\_\_

**LETTERS TESTAMENTARY**

The Will of \_\_\_\_\_ having been duly admitted to record in said county, **Letters Testamentary** are hereby granted to \_\_\_\_\_, the Personal Representative named in said will, who has complied with the requisitions of the law and is authorized to administer the estate. Subject to the priorities stated in Code of Alabama (1975, as amended) § 43-8-76, the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers, without limitation, [**EXCEPT** for the powers in numbers \_\_\_\_\_] authorized in transactions under Code of Alabama (1975, as amended) § 43-2-843, as follows:

1. Retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment.
2. Receive assets from fiduciaries, or other sources.
3. Perform, compromise, or refuse performance of the decedent's contracts that continue as obligations of the estate, as the personal representative may determine under the circumstances. In performing enforceable contracts by the decedent to convey or lease land, the personal representative, among other possible courses of action, may do either of the following:
  - a. Execute and deliver a deed of conveyance for cash payment of all sums remaining due or the purchaser's note for the sum remaining due secured by a mortgage or deed of trust on the land.
  - b. Deliver a deed in escrow with directions that the proceeds when paid in accordance with the escrow agreement, be paid to the successors of the decedent, as designated in the escrow agreement.
4. Satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances.
5. If funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements, or other prudent investments which would be reasonable for use by trustees generally.
6. Abandon personal property when, in the opinion of the personal representative, it is valueless, or is so encumbered, or is in condition that it is of no benefit to the estate.

7. Vote stocks or other securities in person or by general or limited proxy.
8. Pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims.
9. Hold a security in the name of a nominee or in other form without disclosure of the interest of the estate but the personal representative is liable for any act of the nominee in connection with the security so held.
10. Insure the assets of the estate against damage, loss, and liability and the personal representative against liability as to third persons.
11. Borrow money without security or with security of personal property to be repaid from the estate assets or otherwise; and advance money for the protection of the estate.
12. Effect a fair and reasonable compromise with any debtor or obligor, or extend, renew, or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge, or other lien upon property of another person, the personal representative may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by the lien.
13. Pay taxes, assessments, and other expenses incident to the administration of the estate.
14. Sell or exercise stock subscription or conversion rights; consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise.
15. Enter for any purpose into a lease as lessor or lessee, with or without option to purchase or renew, for a term not to exceed one year.
16. Allocate items of income or expense to either estate income or principal, as permitted or provided by law.
17. Employ necessary persons, including appraisers, attorneys, auditors (who may include certified public accountants, public accountants, or internal auditors), investment advisors, or agents, even if they are associated with the personal representative, to advise or assist the personal representative in the performance of administrative duties; act without independent investigation upon recommendations of agents or advisors; and instead of acting personally, employ one or more agents to perform any act of administration, whether or not discretionary.
18. Prosecute or defend claims or proceedings in any jurisdiction for the protection or benefit of the estate and of the personal representative in the performance of duties of the personal representative.
19. Continue any unincorporated business or venture in which the decedent was engaged at the time of death as provided in any of the following:
  - a. In the same business form for a period of not more than one year from the date of appointment of a general personal representative if continuation is a reasonable means of preserving the value of the business including good will.
  - b. In the same business form for any additional period of time that may be approved by order of the court in a proceeding to which the persons

interested in the estate are parties.

- c. Throughout the period of administration if the business is incorporated by the personal representative and if none of the probable distributees of the business who are competent adults object to its incorporation and retention in the estate.
- 20. Incorporate any business or venture in which the decedent was engaged at the time of death.
- 21. Provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate.
- 22. Satisfy and settle claims and distribute the estate as provided in Title 43 of the Code of Alabama 1975.

WITNESS my hand, and dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Judge of Probate**

THE STATE OF ALABAMA  
\_\_\_\_\_ COUNTY

I, the undersigned, Judge of Probate of \_\_\_\_\_ County, Alabama, hereby certify that the foregoing is a true and correct copy of the Letters Testamentary issued in the above-styled cause as appears of record in said Court. I further certify that said Letters are in full force and effect.

Given under my hand and seal of said Court, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of the Probate Court  
\_\_\_\_\_ County

THE STATE OF ALABAMA

COURT OF PROBATE

COUNTY OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

ESTATE OF \_\_\_\_\_

**LETTERS TESTAMENTARY  
(Alternative)**

The Will of \_\_\_\_\_ having been duly admitted to record in said county, **Letters Testamentary** are hereby granted to \_\_\_\_\_, the Personal Representative named in said will, who has duly qualified in compliance with the requisites of the laws (bond was \_\_\_\_\_ excused), and is authorized to administer such estate in accordance with the procedures provided in ALA. CODE §§ 43-2-830, et seq., (Supp. 1993), including the powers and duties permitted in § 43-2-843 without prior court order, as further modified expressly in the will.

Witness my hand, and dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of Probate

COUNTY OF \_\_\_\_\_

**LETTERS TESTAMENTARY  
WITH ADDITIONAL POWERS**

The Will of \_\_\_\_\_ having been duly admitted to record in said county, **Letters Testamentary** are hereby granted to \_\_\_\_\_, the Personal Representative named in said will, who has complied with the requisitions of the law and is authorized to administer the estate. Subject to the priorities stated in Code of Alabama (1975, as amended) § 43-8-76, the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers, without limitation, [**EXCEPT** for the powers in numbers \_\_\_\_\_] authorized in transactions under Code of Alabama (1975, as amended) § 43-2-843, as follows:

1. Retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment.
2. Receive assets from fiduciaries, or other sources.
3. Perform, compromise, or refuse performance of the decedent’s contracts that continue as obligations of the estate, as the personal representative may determine under the circumstances. In performing enforceable contracts by the decedent to convey or lease land, the personal representative, among other possible courses of action, may do either of the following:
  - a. Execute and deliver a deed of conveyance for cash payment of all sums remaining due or the purchaser’s note for the sum remaining due secured by a mortgage or deed of trust on the land.
  - b. Deliver a deed in escrow with directions that the proceeds when paid in accordance with the escrow agreement, be paid to the successors of the decedent, as designated in the escrow agreement.
4. Satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances.
5. If funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements, or other prudent investments which would be reasonable for use by trustees generally.
6. Abandon personal property when, in the opinion of the personal representative, it is valueless, or is so encumbered, or is in condition that it is of no benefit to the

- estate.
7. Vote stocks or other securities in person or by general or limited proxy.
  8. Pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims.
  9. Hold a security in the name of a nominee or in other form without disclosure of the interest of the estate but the personal representative is liable for any act of the nominee in connection with the security so held.
  10. Insure the assets of the estate against damage, loss, and liability and the personal representative against liability as to third persons.
  11. Borrow money without security or with security of personal property to be repaid from the estate assets or otherwise; and advance money for the protection of the estate.
  12. Effect a fair and reasonable compromise with any debtor or obligor, or extend, renew, or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge, other lien upon property of another person, the personal representative may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by the lien.
  13. Pay taxes, assessments, and other expenses incident to the administration of the estate.
  14. Sell or exercise stock subscription or conversion rights; consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise.
  15. Enter for any purpose into a lease as lessor or lessee, with or without option to purchase or renew, for a term not to exceed one year.
  16. Allocate items of income or expense to either estate income or principal, as permitted or provided by law.
  17. Employ necessary persons, including appraisers, attorneys, auditors (who may include certified public accountants, public accountants, or internal auditors), investment advisors, or agents, even if they are associated with the personal representative, to advise or assist the personal representative in the performance of administrative duties; act without independent investigation upon recommendations of agents or advisors; and instead of acting personally, employ one or more agents to perform any act of administration, whether or not discretionary.
  18. Prosecute or defend claims or proceedings in any jurisdiction for the protection or benefit of the estate and of the personal representative in the performance of duties of the personal representative.
  19. Continue any unincorporated business or venture in which the decedent was engaged at the time of death as provided in any of the following:
    - a. In the same business form for a period of not more than one year from the date of appointment of a general personal representative if continuation is a reasonable means of preserving the value of the business including good will.
    - b. In the same business form for any additional period of time that may be



approved by order of the court in a proceeding to which the persons interested in the estate are parties.

- c. Throughout the period of administration if the business is incorporated by the personal representative and if none of the probable distributees of the business who are competent adults object to its incorporation and retention in the estate.
- 20. Incorporate any business or venture in which the decedent was engaged at the time of death.
- 21. Provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate.
- 22. Satisfy and settle claims and distribute the estate as provided in Title 43 of the Code of Alabama 1975.

[The said Personal Representative is hereby further granted prior court approval, under Code of Alabama (1975, as amended) § 43-2-844, to act, on behalf of the estate, in the following transactions:

*[copy all transactions enumerated in Code of Alabama (1975, as amended) §43-2-844, or those transactions for which the Probate Judge wishes to grant prior court approval by category]*

The transactions authorized herein may be restricted in the will and additional powers may be authorized for the Personal Representative.

**WITNESS** my hand, and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge of Probate

**AFFIDAVIT OF LEGATEES**

**STATE OF ALABAMA            )            IN THE PROBATE COURT OF**  
**)            \_\_\_\_\_ COUNTY, ALABAMA**  
**COUNTY OF                    )**

**IN THE MATTER OF THE ESTATE OF \_\_\_\_\_, DECEASED**

Before me, \_\_\_\_\_, a Notary Public in and for said County, in said State, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known and who being by me first duly sworn and on this oath does depose and say:

1. That they are over nineteen years of age and were named as legatees in the Last Will and Testament of \_\_\_\_\_, who departed this life on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

2. That said Last Will and Testament was duly proved and allowed for Probate under a Decree of the Probate Court of \_\_\_\_\_ County, Alabama, on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

3. That \_\_\_\_\_ was appointed as Personal Representative of Estate of \_\_\_\_\_, deceased, under a Decree of said Court on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

4. That all personal property and assets of said Estate received and remaining in the hands of said Personal Representative, after paying all debts filed or due from said Estate, has been delivered to said legatees \_\_\_\_\_ receipt of which is hereby acknowledged, and release of The \_\_\_\_\_ has been executed and file, and We, \_\_\_\_\_, do hereby consent to the discharge of said Personal Representative.

This the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me on this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

**NOTICE OF APPOINTMENT TO BE  
PUBLISHED BY PERSONAL REPRESENTATIVE**

**ESTATE OF** \_\_\_\_\_ ) **PROBATE COURT**  
 )  
 )  
 ) **OF \_\_\_\_\_ COUNTY**  
**Deceased**

Letters \_\_\_\_\_ of said deceased having been granted to  
\_\_\_\_\_, Personal Representative on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by  
the Honorable \_\_\_\_\_, Judge of Probate Court of \_\_\_\_\_ County, notice is  
hereby given that all persons having claims against said estate are hereby required to present the  
same within time allowed by law or the same will be barred.

\_\_\_\_\_

TO \_\_\_\_\_  
Publisher of \_\_\_\_\_

Please publish the above notice three successive weeks in said newspaper.

\_\_\_\_\_

**THE STATE OF ALABAMA**

**COURT OF PROBATE**

**COUNTY OF \_\_\_\_\_**

**CASE NO. \_\_\_\_\_**

**RE: ESTATE OF \_\_\_\_\_, DECEASED**

**ORDER**

Petition to probate last will and testament of the above named decedent has been endorsed "Granted" this date. Letters are issued as follows:

**LETTERS TESTAMENTARY**

The Will of \_\_\_\_\_, deceased, having been duly admitted to record in said county, Letters Testamentary are hereby granted to \_\_\_\_\_ (executor's name), the Personal (Representative or Representatives) named in said will, who (has or have) complied with the requisitions of the laws and (is or are) authorized to take upon (himself or themselves) the execution of such will.

Ordered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF \_\_\_\_\_ : CASE NO. \_\_\_\_\_

\_\_\_\_\_ Estate name : \_\_\_\_\_ (today's date)

\_\_\_\_\_ (Estate type)

In Re: \_\_\_\_\_ (1st Pleading)  
\_\_\_\_\_ (2nd Pleading)  
\_\_\_\_\_ (3rd Pleading)  
\_\_\_\_\_ (4th Pleading)

**ORDER**

For due cause shown, it is ORDERED by the Court that the \_\_\_\_\_(1st Pleading),  
\_\_\_\_\_ (2nd Pleading), \_\_\_\_\_ (3rd Pleading), and \_\_\_\_\_(4th Pleading) be and  
\_\_\_\_\_ (is/are) hereby set for a Pre-Trial Conference in the above entitled cause on the \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_ year, at \_\_\_\_\_ m. at \_\_\_\_\_.

The Pre-Trial Conference is held for Attorneys and Pro-Se parties only.

It is further ORDERED by the Court that a copy of this Order be forwarded to  
\_\_\_\_\_ (attorneys), by First Class Mail.

\_\_\_\_\_  
\_\_\_\_\_, Judge of Probate

**CASE WORKSHEET**  
**Pre Trial Conference**

Case No.

Date Set: ,

Cause: Matter:

Cause: Matter:

Cause: Matter:

Cause: Matter:

---

All parties present for Pre Trial Conference  Yes  No

Notes for Pre-Trial Order:

Discovery Deadline: \_\_\_\_\_ Trial Date: \_\_\_\_\_

Mediator:  Yes  No

Mediator to be appointed: \_\_\_\_\_

---

Notes:

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY, ALABAMA

IN THE MATTER OF : \_\_\_\_\_ (today's date)

\_\_\_\_\_ : CASE NO. \_\_\_\_\_  
(Estate Name)

\_\_\_\_\_ :  
(Estate Type)

**ORDER**

This cause came before the Court on \_\_\_\_, \_\_\_\_\_, 20\_\_, for a pretrial conference on the \_\_\_\_\_ (1<sup>st</sup> Petition) filed by \_\_\_\_\_ (1<sup>st</sup> filed by) and the \_\_\_\_\_ (2<sup>nd</sup> Petition) filed by \_\_\_\_\_ (2<sup>nd</sup> filed by). Appearances were as noted in the record. After consultation with counsel of record and in order to expedite pre-trial and trial procedures it is **ORDERED** as follows:

1. All discovery in this cause shall be completed on or before \_\_\_\_\_ (D is D/L). All parties are under a duty to supplement responses with respect to discovery as provided by Rule 26(e)(3) of the *Alabama Rules of Civil Procedure*.
2. This cause shall be set for trial on \_\_\_\_\_ (Trial date) at \_\_\_\_\_ (Trial time) in \_\_\_\_\_.
3. Any additional parties in interest shall be added no later than thirty (30) days from the date of this order.
4. The triable \_\_\_\_\_ (issue/issues) in this cause identified at this time \_\_\_\_\_ (is/are):
5. Each party shall furnish all documents, exhibits and physical evidence, or copies thereof, expected to be used at trial to the other parties on or before \_\_\_\_\_ (Exh Info due). The same shall then be considered authenticated and will be considered admissible into evidence without further proof on authenticity grounds, unless written objections to any such documents or exhibits be made to the Court on or before \_\_\_\_\_ (Obj due), specifying the grounds for objection and evidence in opposition to the authenticity of the proposed document, exhibit or physical evidence.
6. Documents, exhibits or physical evidence not timely exhibited to other parties prior to trial as specified herein, may not be offered in evidence at the trial unless the ends of justice so require.
7. Documents, exhibits, or physical evidence so admitted hereunder shall be presented

to the Court Reporter for marking into evidence on \_\_\_\_\_ (Ct Repr due), along with an exhibit list.

8. Unless previously obtained by discovery, each party will furnish to all other parties the names, addresses and qualification of all expert witnesses expected to testify, together with a brief summary of their opinions, on or before \_\_\_\_ (Exh Info due). Opposing parties may make written objection to the qualification to the Court on or before \_\_\_\_\_ (Obj due) stating therein the specific objection and evidence in support thereof.
9. The *Alabama Rules of Civil Procedure* shall apply, with the Court exercising its Constitutional, statutory, and equity jurisdiction (see Rule 1, *Alabama Rules of Civil Procedure*).
10. The parties shall submit to the Clerk of the Court timely requests in writing for any subpoenas and/or subpoenas duces tecum with copies of said requests to be served on all other counsel.
11. The Court will reconsider any portion of this Order upon timely application of any party.
12. INSERT ANY ADDITIONAL PROVISIONS.
13. A copy of this Order shall be forwarded by United States First Class Mail to \_\_\_\_\_ (Attorneys).

---

Judge of Probate



**PETITION FOR CONSENT SETTLEMENT AND  
DISCHARGE OF PERSONAL REPRESENTATIVE  
(Under Title 43-2-506, Code of Alabama, as amended)**

**STATE OF ALABAMA** ) **IN THE PROBATE COURT OF**  
**COUNTY OF \_\_\_\_\_** ) **\_\_\_\_\_ COUNTY, ALABAMA**

**IN THE MATTER OF THE ESTATE OF \_\_\_\_\_, DECEASED.**

**TO THE HONORABLE \_\_\_\_\_, JUDGE OF SAID COUNTY:**

Comes your Petitioner, \_\_\_\_\_, and respectfully shows unto this Honorable Court the following facts as basis for final settlement of said Estate and for the discharge of your Petitioner as Personal Representative of said Estate:

(1) That your Petitioner was appointed as Personal Representative of said Estate and Letters of Testamentary were granted to (him)(her) by an order and decree of this Honorable Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(2) That more than six (6) months have expired from the date that the first notice was given of the appointment of Personal Representative of said Estate to the date of the filing of this petition.

(3) That all debts filed or due from said Estate have been paid in full.

(4) That all of the personal property and assets belonging to said Estate remaining in the hands of your Petitioner, as Personal Representative of said Estate, have been paid and turned over to the legatees of said Estate, namely \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, who constitutes the only legatees named in the Last Will and Testament of \_\_\_\_\_, deceased.

(5) That the legatees have signed an Affidavit disclosing that they are over 19 years of age and that all of the personal property and assets remaining in the hands of the Personal Representative have been paid and turned over to them and that they consent that said Estate be finally settled and that the Personal Representative be discharged. Said Affidavit is attached hereto and made a part hereof the same as if fully set forth herein.

THEREFORE, THE PREMISES considered your Petitioner prays that upon hearing of this petition, that your Honor will make an Order and enter a Decree discharging your Petitioner, as Personal Representative of said Estate.

This Petition is filed under Authority of Title 43-2-506 \_\_\_\_\_ Code of Alabama, as amended.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
As Personal Representative of the Estate  
of \_\_\_\_\_, Deceased

STATE OF ALABAMA )  
\_\_\_\_\_ COUNTY )

Before me, a Notary Public, in and for said County in said State, personally appeared \_\_\_\_\_, who being duly sworn, deposes and says that he/she has read the foregoing petition and that the averments contained therein are true and correct to his/her best knowledge, information and belief.

\_\_\_\_\_  
Affiant

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

**ORDER OF DISCHARGE OF PERSONAL REPRESENTATIVE**

**IN THE MATTER OF THE** ) **IN THE PROBATE COURT OF**  
**ESTATE OF \_\_\_\_\_ DECEASED** ) **\_\_\_\_\_ COUNTY, ALABAMA**

WHEREAS, \_\_\_\_\_, Personal Representative of the Estate of \_\_\_\_\_ deceased, has filed (his)(her) petition in this Court for discharge as Personal Representative of said Estate, as provided under Title 43-2-506 and \_\_\_\_\_.

Upon examination of the allegations set forth in the petition and the Affidavit of \_\_\_\_\_ and \_\_\_\_\_ and release of \_\_\_\_\_ the legatees named in the Last Will and Testament of \_\_\_\_\_ deceased, the conduct of said Estate and the conduct of the Personal Representative, the Court is of the opinion and is satisfied that the Personal Representative has discharged (his)(her) trust faithfully and honestly, and \_\_\_\_\_.

That more than six (6) months have expired since Letters Testamentary were granted to \_\_\_\_\_ as Personal Representative of said Estate, and \_\_\_\_\_.

That all debts filed against or due from said Estate have been paid in full and that all personal property and assets belonging to said Estate remaining in the hands of said Personal Representative have been paid and turned over to \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ the legatees of said Estate.

NOW THEREFORE, it is Ordered, Adjudged and Decreed that \_\_\_\_\_ as Personal Representative is hereby released from all liability as such Personal Representative and is discharged as Personal Representative of the Estate of \_\_\_\_\_ deceased.

This the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge of the Probate Court  
Of \_\_\_\_\_ County, Alabama

**ESTATE CLAIM**

**STATE OF ALABAMA**

**COUNTY OF \_\_\_\_\_**

Personally appeared before me \_\_\_\_\_ Name of Notary Public \_\_\_\_\_ a Notary Public, in and for said State and County \_\_\_\_\_ Name of person signing \_\_\_\_\_ who, upon oath deposes and says that Exhibit A, hereto attached, \*and now referred to, is a correct statement of the claim which Name of Company or person filing claim \_\_\_\_\_ asserts and files against the estate of Deceased person's name \_\_\_\_\_, deceased for \_\_\_\_\_ amount being claimed \_\_\_\_\_ Dollars, that the affiant has a personal knowledge of the correctness of said claim; that the amount claimed is justly due from the estate of \_\_\_\_\_ Deceased person's name \_\_\_\_\_ deceased to Company or person filing claim \_\_\_\_\_ after allowing all proper credits, and now constitutes a subsisting demand for \_\_\_\_\_ amount being claimed \_\_\_\_\_ Dollars, and that affiant is duly authorized to make this affidavit.

\_\_\_\_\_ The person filing the claim \_\_\_\_\_

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ dated and signed by the notary \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, \_\_\_\_\_

\* If the form states an Exhibit A is attached then it must be attached.

